

# EXHIBIT 41

Issuance Date: August 1, 2012  
Effective Date: September 1, 2012  
Expiration Date: July 31, 2014

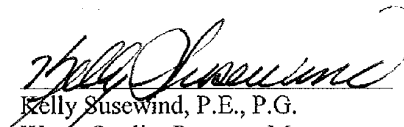
## **Eastern Washington Phase II Municipal Stormwater Permit**

National Pollutant Discharge Elimination System and  
State Waste Discharge General Permit for Discharges  
from Small Municipal Separate Storm Sewers  
in Eastern Washington

**State of Washington**  
**Department of Ecology**  
Olympia, Washington 98504-7600

In compliance with the provisions of  
The State of Washington Water Pollution Control Law  
Chapter 90.48 Revised Code of Washington  
and  
The Federal Water Pollution Control Act  
(The Clean Water Act)  
Title 33 United States Code, Section 1251 et seq.

Until this permit expires, is modified, or revoked, Permittees that have properly obtained coverage under this permit are authorized to discharge to waters of the state in accordance with the special and general conditions which follow.

  
Kelly Susewind, P.E., P.G.  
Water Quality Program Manager  
Department of Ecology

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**SPECIAL CONDITIONS**

In 2012, the Washington State Legislature and Governor enacted Senate Bill 6406 to give cities and counties fiscal relief during periods of economic downturn by delaying or modifying certain regulatory and statutory requirements. Section 313 of the bill modified RCW 90.48.260 to require that by July 31, 2012, Ecology shall

- (a) *Reissue without modification for a term of two years any national pollutant discharge elimination system municipal stormwater general permit applicable to eastern Washington municipalities first issued on January 17, 2007; and*
- (b) *Issue an updated national pollutant discharge elimination system municipal stormwater general permit for any permit first issued on January 17, 2007, applicable to eastern Washington municipalities. An updated permit issued under this subsection becomes effective beginning August 1, 2014.*

Ecology is therefore reissuing without modifications the 2007-2012 *Eastern Washington Phase II Municipal Stormwater Permit* to be effective from September 1, 2012 to August 1, 2014.

Permittees subject to the requirements of the 2007-2012 *Eastern Washington Phase II Municipal Stormwater Permit* shall continue to implement the Stormwater Management Programs developed during the previous permit term and all other requirements of this permit until August 1, 2014, with the following clarifications:

Permit Reference	September 1, 2012 to August 1, 2014 Requirement
S1.D.2	<i>All Permittees that submitted a Duty to Reapply - NOI prior to August 19, 2011 do not need to submit a new application to be covered under this permit.</i>
S5.A	<i>First sentence: All Permittees shall <del>develop and</del> implement a Stormwater Management Program (SWMP) during the term of this permit.</i>
S5.A.2	<i>First sentence: The SWMP shall be <del>developed and</del> implemented in accordance with the schedules contained in this section. <del>and shall be fully developed and implement no later than 180 days prior to the expiration date of this permit</del></i>
S5.A.4.a	<i>From <del>90 days after the effective date of this permit,</del> <del>e</del> Each Permittee shall have an ongoing process for gathering, maintaining, and using information to conduct planning, set priorities, track the development and implementation of the SWMP, evaluate permit compliance/non-compliance, and evaluate the effectiveness of SWMP implementation.</i>
S5.A.4.a.ii	<i>First sentence: <del>Beginning no later than January 1, 2009,</del> <del>e</del> Each Permittee shall track or estimate the cost of development and implementation of each component of the SWMP.</i>

S5.A.4.b	<del>Beginning with the third annual report, t</del> The Permittee's annual reports shall include an evaluation by the Permittee of the effectiveness of the SWMP components implemented during the reporting period and earlier.
S5.B.1	<i>First sentence:</i> Permittees shall <del>develop and</del> implement a public education and outreach program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of stormwater discharges to water bodies and the steps the public can take to reduce pollutants in stormwater.
S5.B.1.a	<i>First sentence:</i> Permittees shall <del>develop and begin implementation of</del> <u>implement</u> a public education and outreach program which, at a minimum, includes the following, based on the land uses and target audiences found within the community:  <i>Delete last paragraph:</i> <del>No later than three years from the effective date of this permit, all Permittees shall identify and characterize target audiences within their jurisdiction to meet the education and outreach goals listed above. This provision does not supersede requirements in other sections of this permit to implement specific public education activities in advance of this date.</del>
S5.B.1.b	<i>First sentence:</i> <del>No later than 180 days prior to the expiration date, a</del> All Permittees shall <del>have developed and fully implemented a</del> public education and outreach strategy as described in S5.B.1.
S5.B.2.a	<i>First sentence:</i> <del>No later than one year from the effective date of this permit, All Permittees shall adopt</del> <u>implement</u> a program or policy directive to create opportunities for the public to provide input during the decision making processes involving the development, implementation and update of the SWMP, including development and adoption of all required ordinances and regulatory mechanisms.
S5.B.2.b	<i>First sentence:</i> No later than May 31 each year <del>beginning in 2008</del> , all Permittees shall make the latest updated version of the SWMP available to the public.
S5.B.3	Each Permittee shall <del>develop</del> , implement and enforce a program to detect and eliminate illicit discharges (as defined at 40 CFR 122.26(b)(2)) into the MS4.
S5.B.3.a	Each Permittee shall <del>maintain</del> <u>develop</u> a map of the MS4 showing the location of all known and new connections to the MS4 authorized or approved by the Permittee; all known outfalls; the names and locations of all waters of the state that receive discharges from those outfalls; and areas served by discharges to ground.

S5.B.3.a.i and ii	<i>The requirements to develop a map of the MS4 applied during the previous permit term and do not apply during the September 1, 2012 to August 1, 2014 permit term.</i>
S5.B.3.b.i	<i>Replace with: <u>Each Permittee shall implement an ordinance or other regulatory mechanism to meet the requirements of this section.</u></i>
S5.B.3.c	<i>All Permittees shall <del>develop and</del> implement an ongoing program to detect and address non-stormwater discharges, including spills, and illicit connections to the MS4. The plan <del>shall be fully implemented no later than 180 days prior to the expiration date of this permit</del> and shall include:</i>
S5.B.3.c.ii	<i>Replace bullet with: <u>Compliance with this provision shall be achieved by field assessing at least one high priority water body or other priority area each year to verify outfall locations and detect illicit discharges, in accordance with the requirements of this section.</u></i>
S5.B.3.d.i	<i>The requirement to inform public employees, businesses and the general public of hazards associated with illicit discharges and improper disposal of waste applied during the previous permit term. If this information has changed, then Permittees shall inform these audiences of updated information prior to the expiration date of this permit.</i>
S5.B.3.d.ii	<i>First sentence: <del>No later than two years from the effective date of this permit,</del> <u>Permittees shall publicly list and publicize a hotline or other local telephone number for public reporting of spills and other illicit discharges.</u></i>
S5.B.4.	<i>All Permittees shall implement and enforce a program to reduce pollutants in stormwater runoff to the MS4 from construction activities, including but not limited to the ordinance or other regulatory mechanism, procedures for site plan review, and site inspection and enforcement in accordance with the requirements of S5.B.4.</i>
S5.B.4.a	<i><del>No later than three years from the effective date of this Permit, a</del> All Permittees shall <del>develop and adopt</del> <u>implement</u> an ordinance or other regulatory mechanism to require erosion and sediment controls, and other construction-phase stormwater pollution controls at new development and redevelopment projects. <del>The ordinance or other regulatory mechanism shall have an effective date of no later than four years after the effective date of this permit.</del></i>
S5.B.4.a.ii	<i>First two bullets begin: All Permittees shall <del>adopt</del> <u>implement</u> requirements for construction site operators to....</i>



S5.B.4.a.iv	The Permittee shall <del>implement</del> <u>develop</u> an enforcement strategy and <del>implement</del> the enforcement provisions of the ordinance or other regulatory mechanism.
S5.B.4.b	<del>No later than four years from the effective date of this permit, a</del> All Permittees shall <del>adopt and</del> implement procedures for site plan review which incorporate consideration of potential water quality impacts.
S5.B.4.c	<del>No later than four years from the effective date of this permit, a</del> All Permittees shall <del>adopt and</del> implement procedures for site inspection and enforcement of construction stormwater pollution control measures.
S5.B.4.c.i	Each Permittee shall <del>adopt</del> <u>implement</u> a procedure for keeping records of inspections and enforcement actions by staff, including inspection reports, warning letters, notices of violations, and other enforcement records.
S5.B.4.c	<i>First sentence:</i> All Permittee shall <del>adopt and</del> implement procedures for receipt and consideration of information submitted by the public.
S5.B.5.	<i>All Permittees shall implement and enforce a program to address post-construction runoff to the MS4 from new development and re-development projects, including but not limited to the ordinance or other regulatory mechanism, procedures for site plan review, and site inspection and enforcement procedures in accordance with the requirements of S5.B.5.</i>
S5.B.5.a	<del>No later than three years from the effective date of this permit, a</del> All Permittees shall <del>develop and adopt</del> <u>implement</u> an ordinance or other regulatory mechanism that requires post-construction stormwater controls at new development and redevelopment projects. Pursuant to S5.A.2, in adopting this ordinance or other regulatory mechanism, existing local requirements to apply stormwater controls at smaller sites, or at lower thresholds than required pursuant to S5.B.5.a.ii, shall be retained. The ordinance or other regulatory mechanism shall include sanctions to ensure compliance. <del>The ordinance of other regulatory mechanism shall have an effective date of no later than four years after the effective date of this permit.</del>
S5.B.5.a.ii	<i>Bullets 1 through 3 begin with:</i> All Permittees shall <del>adopt</del> <u>implement</u> ,....
S5.B.5.b	<del>No later than four years from the effective date of this permit, a</del> All Permittees shall <del>adopt and</del> implement procedures for site plan review which incorporate consideration of potential water quality impacts.

S5.B.5.c	<del>No later than four years from the effective date of this permit, a</del> All Permittees shall <del>adopt and</del> implement procedures for site inspection and enforcement of post-construction stormwater control measures.
S5.B.5.c.i	<i>First sentence:</i> All Permittees shall <del>adopt</del> implement a procedure for keeping records of inspections and enforcement actions by staff, including inspection reports, warning letters, notices of violations, and other enforcement records.
S5.B.6	All Permittees shall <del>develop and</del> implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations. The minimum performance measures are:
S5.B.6.a	<i>First sentence:</i> <del>No later than four years from the effective date of this permit, a</del> All Permittees shall <del>develop and</del> implement a schedule of municipal Operation and Maintenance activities (an O&M Plan) <u>in accordance with the requirements in this section.</u>
S5.B.6.a.i	<del>Remove from all bullets where it occurs: No later than 180 days prior to the expiration date of this permit,</del> <i>First sentence of bullet for material storage areas, heavy equipment storage areas and maintenance areas:</i> Permittees shall <del>develop and</del> implement a Stormwater Pollution Prevention Plan to protect water quality at each of these facilities owned or operated by the Permittee and not required to have coverage under the <i>General NPDES Permit for Stormwater Discharges Associated with Industrial Activities</i> or another NPDES permit that covers stormwater discharges associated with the activity.
S5.B.6.a.ii	<i>First bullet:</i> A minimum of <del>95</del> 40% of all known stormwater treatment and flow control facilities owned, operated or maintained by the Permittee shall be inspected at least once before the expiration date of this permit, with problem facilities identified during inspections to be inspected more frequently.
S6. Stormwater Management Program for Secondary Permittees	<i>All Secondary Permittees shall implement the requirements of the stormwater management program in accordance with the requirements of S.6. All requirements that refer to the "date of permit coverage" are clarified to refer to the "...initial date of permit coverage." Secondary Permittees that have not yet fully developed and implemented their Stormwater Management Programs shall continue to develop and implement their programs in accordance with deadlines in the permit or as specified by Ecology as a condition of coverage.</i>

S6.D.1.a.ii; S6.D.2; S5.D.3.c; S.6.D.3.e	<i>References to “no later than 180 days prior to the expiration date of this Permit” are clarified as follows “...<u>no later than four and one-half years from the initial date of permit coverage or as established as a condition of coverage by Ecology...</u>”</i>
S7 Compliance with TMDL Requirements	<i>See Appendix 2 below for clarification of individual TMDL requirements.</i>
S8. Monitoring and Program Evaluation	<i>All Permittees shall implement the requirements in S8.A and S8.B. Requirements in S8.C applied during the previous permit term and do not apply to the September 1, 2012 to August 1, 2014 permit.</i>
S9.Reporting and Recordkeeping S9.A	<i>Replace S9.A with: No later than March 31 of each year, all Permittees shall submit an annual report on an electronic form provided by Ecology. The reporting year for the first annual report will be from January 1, 2012 to December 31, 2012 and for the second annual report will be from January 1, 2013 to December 31, 2013. Permittees may request from Ecology an alternative hard copy annual report form, if necessary. The form provided by Ecology shall replace Appendix 3 (S9.E.2) for Cities, Towns and Counties and shall replace Appendix 4 (S9.F) for Secondary Permittees.</i>
Appendix 2 – TMDL Requirements	<i>The requirement for the City of Selah applied during the previous permit term and does not apply to the September 1, 2012 to August 1, 2014 permit term.</i>
General Condition G18 – Duty to Reapply	<i>All owners and operators of MS4s that are Permittees as of the effective date of this permit submitted a Duty to Reapply - NOI prior to August 19, 2011 and do not need to reapply during the September 1, 2012 to August 1, 2014 permit term. Permittees with a permit coverage date after September 1, 2012 shall apply for permit renewal on a schedule specified by Ecology as a condition of coverage.</i>
General Condition G19 – Certification and Signature	<i>Permittees are not required to resubmit written authorization of a duly authorized representative that were submitted during the previous permit term under G19.B unless there are changes in authorization as described in G19.C.</i>

## **S1. PERMIT COVERAGE AND PERMITTEES**

### **A. Geographic Area of Permit Coverage**

This permit is applicable to owners or operators of regulated small municipal separate storm sewer systems (MS4s) located in eastern Washington State, which is bounded on the western side by the Cascade Mountains crest except in Yakima and Klickitat counties which are, in their entireties, included.

1. For all Cities required to obtain coverage under this permit, the geographic area of coverage is the entire incorporated area of the City.
2. For all Counties required to obtain coverage under this permit, the geographic area of coverage is the urbanized areas and the urban growth areas associated with Cities within the urbanized areas that are under the jurisdictional control of the County. The geographic area of coverage also includes any urban growth areas that are contiguous to urbanized areas that are under the jurisdictional control of the County.

For Walla Walla County, the geographic area of coverage also includes the urban growth area associated with the Cities of Walla Walla and College Place.

3. For *Secondary Permittees* required to obtain coverage under this permit, the minimum geographic area of coverage includes all areas identified under S1.A.1. and 2., above. At the time of permit coverage, Ecology may establish a geographic area of coverage specific to an individual secondary permittee.
4. All regulated small MS4s owned or operated by the permittees named in S1.D.2.a. and located in another city or county area requiring coverage under either the *Western Washington Phase II Municipal Stormwater Permit* or the *Phase I Municipal Stormwater Permit* are also covered under this permit.

### **B. Regulated small municipal separate storm sewer systems (MS4s)**

All operators of regulated small MS4s are required to apply for and obtain coverage under this permit or be permitted under a separate individual or general permit, unless waived or exempted in accordance with condition S1.C.

#### **1. A regulated small MS4:**

- a. Is a “small MS4” as defined in the DEFINITIONS AND ACRONYMS section at the end of this permit; and
- b. Is located within, or partially located within, one of the jurisdictions listed in S1.D.2.a. or is designated by Ecology pursuant to either 40 CFR 122.35(b) or 40 CFR 122.26(f); and
- c. Discharges stormwater from the MS4 to a surface water of Washington State; and

- d. Is not eligible for a waiver or exemption under S1.C. below.
- 2. All other operators of MS4s, including special purpose districts which meet the criteria for a regulated small MS4, shall obtain coverage under this permit. Other operators of MS4s may include, but are not limited to: flood control, or diking and drainage districts, schools including universities and correctional facilities which own or operate a small MS4 serving non-agricultural land uses.
- 3. Any other operators of small MS4s may be required by Ecology to obtain coverage under this permit or an alternative NPDES permit if Ecology determines the small MS4 is a significant source of pollution to surface waters of the state. Notification of Ecology's determination that permit coverage is required will be through the issuance of an Administrative Order issued in accordance with RCW 90.48.
- 4. The owner or operator of a regulated small MS4 may obtain coverage under this permit as a Primary Permittee, Co-Permittee, or Secondary Permittee as defined in S1.D.1 below.
- 5. Pursuant to 40 CFR 122.26(f), any person or organization may petition Ecology to require that additional municipal separate storm sewers obtain coverage under this permit. The process for petitioning Ecology is:
  - a. The person or organization shall submit a complete petition in writing to Ecology. A complete petition shall address each of the relevant factors for petitions outlined on Ecology's web site.
  - b. In making its determination on the petition, Ecology may request additional information from either the petitioner or the jurisdiction.
  - c. Ecology will make a final determination on a complete petition within 180 days after receipt of the petition and inform both the petitioner and the municipal separate storm sewer of the decision, in writing.
  - d. If Ecology's final determination is that the candidate municipal separate storm sewer will be regulated, Ecology will issue an order to the municipal separate storm sewer requiring them to obtain coverage under this permit. The order will specify:
    - i. The geographic area of permit coverage for the municipal separate storm sewer;
    - ii. Any modified dates or deadlines for developing and implementing the Stormwater Management Program in S5 or S6, as appropriate to the municipal separate storm sewer, and for submitting their first annual report; and
    - iii. A deadline for the municipal separate storm sewer to submit a complete Notice of Intent (see Appendix 5) to Ecology.

C. The owner or operator of an otherwise regulated small MS4 is not required to obtain coverage under this permit if:

1. The small MS4 is operated by:
  - a. The federal government on military bases or other federal lands; or by the United States Military, the Bureau of Land Management, the United States Park Service, or other federal agencies; or
  - b. Federally recognized Indian Tribes located within Indian Country Lands; or
  - c. The Washington State Department of Transportation.

Or,

2. The portions of the small MS4 located within the census-defined urban area(s) serve a total population of less than 1,000 people and a, b, and c below all apply:

- a. The small MS4 is not contributing substantially to the pollutant loadings of a physically interconnected MS4 that is regulated by the NPDES stormwater program.
- b. The discharge of pollutants from the small MS4 has not been identified as a cause of impairment of any water body to which the MS4 discharges.
- c. In areas where an EPA approved TMDL has been completed, stormwater controls on the MS4 have not been identified as being necessary.

In determining the total population served by the small MS4, both resident and commuter populations shall be included. For example:

- For publicly operated school complexes including universities and colleges, the total population served would include the sum of the average annual student enrollment plus staff.
- For flood control, diking, and drainage districts the total population served would include residential population and any non-residents regularly employed in the areas served by the small MS4.

D. Obtaining coverage under this permit

All operators of **regulated small MS4s** are required to apply for and obtain coverage in accordance with this section, unless waived or exempted in accordance with section S1.C.

1. Unless otherwise noted, the term "Permittee" includes Primary Permittee, Co-Permittee, and Secondary Permittee as defined below:
  - a. A "Primary Permittee" is a City, Town or County owning or operating a regulated small MS4.

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- b. A “Co-Permittee” is any operator of a regulated small MS4 that is applying jointly with another applicant for coverage under this permit. A Co-Permittee owns or operates a regulated small MS4 located within or adjacent to another regulated small MS4.
  - c. A “Secondary Permittee” is an operator of a regulated small MS4 that is not a City, Town or County. Secondary Permittees include special purpose districts and other MS4s that meet the criteria for a regulated small MS4 in S1.B above.
2. Operators of **regulated small MS4s** shall submit an application to Ecology by either the *Notice of Intent (NOI) for Coverage under National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater General Permit* provided in Appendix 5; or the individual permit application available on Ecology’s website.
- a. All Cities, Towns and Counties listed below and operating regulated small MS4s shall apply either as a Primary Permittee or Co-Permittee.
    - i. Cities and Towns: Asotin, Clarkston, East Wenatchee, Ellensburg, Liberty Lake, Kennewick, Millwood, Moses Lake, Pasco, Pullman, Richland, Selah, Spokane, Spokane Valley, Sunnyside, Union Gap, Walla Walla, Wenatchee, West Richland, Yakima
    - ii. Counties: Asotin County, Benton County, Chelan County, Douglas County, Franklin County, Spokane County, Walla Walla County, Yakima County
  - b. All other **regulated small MS4s** shall apply as a Secondary Permittee or as a Co-Permittee by submitting a NOI or an individual permit application to Ecology.
  - c. The following Cities, Towns and Counties submitted individual permit applications or NOIs to Ecology prior to January 17, 2007:
    - i. Cities and Towns: Asotin, Clarkston, East Wenatchee, Ellensburg, Kennewick, Pasco, Pullman, Richland, Selah, Spokane, Spokane Valley, Sunnyside, Union Gap, Walla Walla, Wenatchee, West Richland, Yakima
    - ii. Counties: Asotin County, Chelan County, Douglas County, Spokane County, Walla Walla County, Yakima County
  - d. Operators of **regulated small MS4s** located in jurisdictions listed in S1.D.2.a. shall submit to Ecology a NOI or individual permit application before the effective date of this permit, with the following exceptions:
    - i. Operators of **regulated small MS4s** located in the Cities of Ellensburg, Moses Lake, Pullman, Sunnyside, and Walla Walla shall

submit a NOI or application to Ecology no later than 30 days after the effective date of this permit.

- ii. Operators of **regulated small MS4s** listed in S1.D.2.c. do not need to submit a new application to be covered under this permit.
  - iii. For operators of **regulated small MS4s** listed in S1.D.2.c., coverage under this permit is automatic and begins on the effective date of this permit, unless:
  - iv. The operator chooses to reapply before the effective date of this permit; or
  - v. The operator will be relying on another entity to satisfy one or more of their permit obligations in accordance with S1.D.2.g. and S1.D.3.d. below; or
  - vi. The operator chooses to be a Co-Permittee in accordance with S1.D.2.f and S1.D.3.c. below; or
  - vii. The operator chooses to opt out of this General Permit. Any operator of a **regulated small MS4** that is opting out of this permit shall submit an application for an individual MS4 permit in accordance with 40 CFR 122.33(b)(2)(ii) no later than the effective date of this permit.
- e. Operators of regulated small MS4s which want to be covered under this permit as Co-Permittees shall submit to Ecology a joint NOI.
  - f. Operators of regulated small MS4s which are relying on another entity to satisfy one or more of their permit obligations shall submit a NOI to Ecology.
  - g. Operators of small MS4s designated by Ecology pursuant to S1.B.3. of this permit shall submit a NOI to Ecology within 120 days of receiving notification from Ecology that permit coverage is required.
3. Application requirements
- a. NOIs and individual permit applications and shall be submitted to:

Department of Ecology  
Water Quality Program  
Municipal Stormwater Permits  
P.O. Box 47696  
Olympia, WA 98504-7696
  - b. For NOIs and applications submitted after January 17, 2007 the applicant or co-applicant shall provide public notice of the application in accordance with Chapter 173-226-130(5) WAC. The applicant or co-applicant shall include a certification that the public notification requirements of WAC



173-226-130(5) have been satisfied. Unless Ecology responds in writing, coverage under this permit will be effective 60 days after receipt of a complete NOI. A complete NOI includes certification.

- c. Permittees which are applying as co-applicants shall submit a joint NOI. The joint NOI will clearly identify the areas of the MS4 for which each of the co-applicants are responsible.
- d. Permittees which are relying on another entity or entities to satisfy one or more of their permit obligations shall include with the NOI a summary of the permit obligations that will be carried out by another entity. The summary shall identify the other entity or entities and shall be signed by the other entity or entities. During the term of the permit, Permittees may terminate or amend shared responsibility arrangements by notifying Ecology, provided this does not alter implementation deadlines.
- e. Secondary Permittees required to obtain coverage under this permit, and the NPDES and State Waste Discharge Permit for discharges from Small Municipal Separate Storm Sewers in Western Washington and/or the NPDES and State Waste Discharge Permit for discharges from Large and Medium Municipal Separate Storm Sewers may obtain coverage by submitting a single NOI.

## **S2. AUTHORIZED DISCHARGES**

- A. This permit authorizes the discharge of stormwater to surface waters and to ground waters of the state from municipal separate storm sewers owned or operated by each Permittee covered under this permit, in the geographic area covered pursuant to S1.A. These discharges are subject to the following limitations:
  - 1. Discharges to ground waters of the state through facilities regulated under the Underground Injection Control (UIC) program, Chapter 173-218 WAC, are not covered under this permit.
  - 2. Discharges to ground waters not subject to regulation under the federal Clean Water Act are covered in this permit only under state authorities, Chapter 90.48 RCW, the Water Pollution Control Act
- B. This permit authorizes discharges of non-stormwater flows to surface waters and to ground waters of the state from municipal separate storm sewers owned or operated by each Permittee covered under this permit, in the geographic area covered pursuant to S1.A, only under the following conditions:
  - 1. The discharge is authorized by a separate individual or general National Pollutant Discharge Elimination System (NPDES) permit; or
  - 2. The discharge is from emergency fire fighting activities; or

3. The discharge is from another illicit or non-stormwater discharges that is managed by the Permittee as provided in Special Condition S5.B.3.b. or S6.D.3.b.

These discharges are also subject to the limitations in S2.A.1. and S.2.A.2. above.

- C. This permit does not relieve entities that cause illicit discharges, including spills of oil or hazardous substances, from responsibilities and liabilities under state and federal laws and regulations pertaining to those discharges.
- D. Discharges from municipal separate storm sewers constructed after the effective date of this permit shall receive all applicable state and local permits and use authorizations, including compliance with Chapter 43.21C RCW (the State Environmental Policy Act).
- E. This permit does not authorize discharges of stormwater to waters within Indian Reservations except where authority has been specifically delegated to Ecology by the U.S. Environmental Protection Agency. The exclusion of such discharges from this permit does not waive any rights the State may have with respect to the regulation of the discharges.

### S3. RESPONSIBILITIES OF PERMITTEES

- A. Each Permittee is responsible for compliance with the terms of this permit for the **regulated small MS4s** which they operate. Compliance with (1) or (2) below is required as applicable to each Permittee, whether the Permittee has applied for coverage as a Primary Permittee, a Co-Permittee or a Secondary Permittee as described in S1.D.1.
  1. All Cities, Towns and Counties are required to comply with all conditions of this permit, including any appendices referenced therein, except for section S6 *Stormwater Management Program for Secondary Permittees*.
  2. All Secondary Permittees are required to comply with all conditions of this permit, including any appendices referenced therein, except for sections S5 *Stormwater Management Program for Cities, Towns and Counties* and S8.C.
- B. Permittees may rely on another entity to satisfy one or more of the requirements of this permit. Permittees that are relying on another entity to satisfy one or more of their permit obligations remain responsible for permit compliance if the other entity fails to implement the permit conditions. Permittees may rely on another entity provided all of the requirements of 40 CFR 122.35(a) are satisfied, including but not limited to:
  1. The other entity agrees to take on responsibility for implementation of the permit requirement(s), and
  2. The other entity, in fact, implements the permit requirements.

#### **S4. COMPLIANCE WITH STANDARDS**

- A. In accordance with RCW 90.48.520, the discharge of toxicants to waters of the State of Washington which would violate any water quality standard, including toxicant standards, sediment criteria, and dilution zone criteria is prohibited. The required response to such discharges is defined in section S4.F, below.
- B. This permit does not authorize a discharge which would be a violation of Washington State surface water quality standards (WAC 173-201A), ground water quality standards (Chapter 173-200 WAC), sediment management standards (Chapter 173-204 WAC), or human health-based criteria in the national Toxics Rule (Federal Register, Vol. 57, NO. 246, Dec. 22, 1992, pages 60848-60923). The required response to such discharges is defined in section S4.F., below.
- C. The Permittee shall reduce the discharge of pollutants to the maximum extent practicable (MEP).
- D. The Permittee shall use all known, available, and reasonable methods of prevention, control and treatment (AKART) to prevent and control pollution of waters of the State of Washington.
- E. In order to meet the goals of the Clean Water Act, and comply with S4.A., S4.B., S4.C. and S4.D., each Permittee shall comply with all of the applicable requirements of this permit as defined in S3 Responsibilities of Permittees.
- F. A Permittee remains in compliance with S4. despite any discharges prohibited by S4.A. or S4.B., when the Permittee undertakes the following response toward long-term water quality improvement:
  - 1. A Permittee shall notify Ecology in writing within 30 days of becoming aware, based on credible site-specific information, that a discharge from the municipal separate storm sewer owned or operated by the Permittee is causing or contributing to a known or likely violation of Water Quality Standards in the receiving water. Written notification provided under this subsection shall, at a minimum, identify the source of the site-specific information, describe the nature and extent of the known or likely violation in the receiving water, and explain the reasons why the MS4 discharge is believed to be causing or contributing to the problem. For ongoing or continuing violations, a single written notification to Ecology will fulfill this requirement.
  - 2. In the event that Ecology determines, based on a notification provided under S4.F.1. or through any other means, that a discharge from a municipal separate storm sewer owned or operated by the Permittee is causing or contributing to a violation of Water Quality Standards in a receiving water, Ecology will notify the Permittee in writing that an adaptive management response outlined in S4.F.3. below is required, unless Ecology also determines that (a) the violation of Water Quality Standards is already being addressed by a Total Maximum Daily Load or other enforceable water quality cleanup plan; or (b) Ecology

concludes the violation will be eliminated through implementation of other permit requirements.

3. Adaptive Management Response

- a. Within 60 days of receiving a notification under S4.F.2., or by an alternative date established by Ecology, the Permittee shall review its Stormwater Management Program and submit a report to Ecology. The report shall include:
  - i. A description of the operational and/or structural BMPs that are currently being implemented to prevent or reduce any pollutants that are causing or contributing to the violation of Water Quality Standards, including a qualitative assessment of the effectiveness of each BMP.
  - ii. A description of potential additional operational and/or structural BMPs that will or may be implemented in order to apply AKART on a site-specific basis to prevent or reduce any pollutants that are causing or contributing to the violation of Water Quality Standards.
  - iii. A description of the potential monitoring or other assessment and evaluation efforts that will or may be implemented to monitor, assess, or evaluate the effectiveness of the additional BMPs.
  - iv. A schedule for implementing the additional BMPs including, as appropriate: funding, training, purchasing, construction, monitoring, and other assessment and evaluation components of implementation.
- b. Ecology will, in writing, acknowledge receipt of the report within a reasonable time and notify the Permittee when it expects to complete its review of the report. Ecology will either approve the additional BMPs and implementation schedule or require the Permittee to modify the report as needed to meet AKART on a site-specific basis. If modifications are required, Ecology will specify a reasonable time frame in which the Permittee shall submit and Ecology will review the revised report.
- c. The Permittee shall implement the additional BMPs, pursuant to the schedule approved by Ecology, beginning immediately upon receipt of written notification of approval.
- d. The Permittee shall include with each subsequent annual report the results of any monitoring, assessment or evaluation efforts conducted during the reporting period. If, based on the information provided under this subsection, Ecology determines that modification of the BMPs or implementation schedule is necessary to meet AKART on a site-specific basis, the Permittee shall make such modifications as Ecology directs. In the event there are ongoing violations of water quality standards despite the implementation of the BMP approach of this section, the Permittee may be subject to compliance schedules to eliminate the violation under

WAC 173-201A-510(4) and WAC 173-226-180 or other enforcement orders as Ecology deems appropriate during the term of this permit.

- c. Provided the Permittee is implementing the approved adaptive management response under this section, the Permittee remains in compliance with Condition S4., despite any on-going violations of Water Quality Standards identified under S4.F.A or B above.
  - f. The adaptive management process provided under Section S.4.F is not intended to create a shield for the Permittee from any liability it may face under 42 U.S.C. 9601 *et seq.* or RCW 70.105D.
- G. Ecology may modify or revoke and reissue this General Permit in accordance with G14 General Permit Modification and Revocation if Ecology becomes aware of additional control measures, management practices or other actions beyond what is required in this permit, that are necessary to:
- 1. Reduce the discharge of pollutants to the MEP;
  - 2. Comply with the state AKART requirements; or
  - 3. Control the discharge of toxicants to waters of the State of Washington.

#### **S5. STORMWATER MANAGEMENT PROGRAM FOR CITIES, TOWNS AND COUNTIES**

This section applies to all Cities, Towns and Counties covered under this permit. Where the term "Permittee" is used in this section, the requirements apply to any City, Town or County, whether permit coverage is obtained as a Permittee or as a Co-Permittee.

- A. All Permittees shall develop and implement a Stormwater Management Program (SWMP) during the term of this permit. The SWMP shall be implemented, at a minimum, throughout the geographic area described for the Permittee in S1.A.
- 1. A SWMP is a set of actions and activities comprising the components listed in S5.B. and any additional actions necessary to meet the requirements of applicable Total Maximum Daily Loads (TMDLs) pursuant to S7 *Compliance with Total Maximum Daily Load Requirements* and Appendix 2. The SWMP shall be designed to reduce the discharge of pollutants from the **regulated small MS4** to the Maximum Extent Practicable (MEP), to satisfy the state requirement under Chapter 90.48 RCW to apply All Known, Available, and Reasonable methods of prevention, control and Treatment (AKART) prior to discharge, and to protect water quality.
  - 2. The SWMP shall be developed and implemented in accordance with the schedules contained in this section and shall be fully developed and implemented no later than 180 days prior to the expiration date of this permit. The SWMP described in this section supersedes the SWMP descriptions provided by Permittees in individual permit applications submitted by Permittees to Ecology prior to the effective date of this permit.

Notwithstanding the schedules for implementation of SWMP components contained in this permit, Permittees that are already implementing some or all of the SWMP components in this section shall continue implementation of those components of their SWMP. Permittees shall not repeal existing local requirements to control stormwater that go beyond the requirements of this permit for new development and redevelopment sites.

3. Each Permittee shall prepare written documentation of the SWMP. The SWMP documentation shall be organized according to the program components in S5.B below and shall be updated at least annually for submittal with the Permittee's annual reports to Ecology (see S9 *Reporting and Record Keeping*). The SWMP documentation shall include:
  - a. A description of each of the program components included in S5.B.1. through S5.B.6., and
  - b. Any additional actions implemented by the Permittee pursuant to S5.B., and
  - c. Any additional actions necessary to meet the requirements of applicable TMDLs pursuant to S7 *Compliance with Total Maximum Daily Load Requirements*.
4. Gathering, maintaining, and using information:
  - a. From 90 days after the effective date of this permit, each Permittee shall have an ongoing process for gathering, maintaining, and using information to conduct planning, set priorities, track the development and implementation of the SWMP, evaluate permit compliance/ non-compliance, and evaluate the effectiveness of SWMP implementation.
    - i. Each Permittee shall track the number of inspections performed, official enforcement actions taken, and types of public education activities implemented as required for each SWMP component. This information shall be included in the annual report.
    - ii. Beginning no later than January 1, 2009, each Permittee shall track or estimate the cost of development and implementation of each component of the SWMP. This information shall be provided to Ecology upon request.
  - b. Beginning with the third annual report, the Permittee's annual reports shall include an evaluation by the Permittee of the effectiveness of the SWMP components implemented during the reporting period and earlier.
5. Coordination among Permittees
  - a. Coordination among entities covered under this permit is encouraged. The SWMP should include coordination mechanisms to encourage coordinated

stormwater-related policies, programs and projects within adjoining or shared areas, including:

- i. Coordination mechanisms clarifying roles and responsibilities for the control of pollutants between physically interconnected MS4s permittees covered by a municipal stormwater permit.
  - ii. Coordinating stormwater management activities, for shared water bodies, among permittees, to avoid conflicting plans, policies and regulations.
- b. The SWMP should also include coordination mechanisms among departments within each jurisdiction to eliminate barriers to compliance with the terms of this permit.
- B. The SWMP shall include the components listed below. To the extent allowable under state and federal law, all components are mandatory for each City, Town, and County covered under this permit, whether covered as an individual Permittee or as a Co-Permittee. In accordance with S3 *Responsibilities of Permittees* and 40 CFR 122.35(a), a Permittee may rely on another entity to implement one or more of the components in this section.

1. Public Education and Outreach

Permittees shall develop and implement a public education and outreach program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of stormwater discharges to water bodies and the steps the public can take to reduce pollutants in stormwater. Outreach and educational efforts should include a multimedia approach and shall be targeted and presented to specific audiences for increased effectiveness.

The minimum performance measures are:

- a. All Permittees shall develop and begin implementation of a public education and outreach program which, at a minimum, includes the following, based on the land uses and target audiences found within the community:
  - i. Information for the general public about: the importance of improving water quality and protecting beneficial uses of waters of the state; potential impacts from stormwater discharges; methods for avoiding, minimizing, reducing and/or eliminating the adverse impacts of stormwater discharges; and actions individuals can take to improve water quality, including encouraging participation in local environmental stewardship activities.
  - ii. Information for businesses and the general public about: preventing illicit discharges, including what constitutes illicit discharges and the impacts of illicit discharges and promoting the proper management

and disposal of toxic materials, and including all education and outreach activities pursuant to S5.B.3.d. Permittees shall also include educational activities to reduce the types of discharges listed in S5.B.3.b.iv.

- iii. Information for engineers, construction contractors, developers, development review staff, and land use planners about: technical standards, the development of stormwater site plans and erosion control plans, and stormwater Best Management Practices (BMPs) for reducing adverse impacts from stormwater runoff from development sites, including all education and outreach activities pursuant to S5.B.4.d and S5.B.5.c.

No later than three years from the effective date of this permit, all Permittees shall identify and characterize target audiences within their jurisdiction to meet the education and outreach goals listed above. This provision does not supersede requirements in other sections of this permit to implement specific public education activities in advance of this date.

- b. No later than 180 days prior to the expiration date of this permit, all Permittees shall have developed and fully implemented a public education and outreach strategy. The strategy shall be designed to reach all of the target audiences identified within the geographic area of the Permittee's jurisdiction covered under this permit to meet the education and outreach goals listed in (a) above.

## 2. Public Involvement and Participation

At a minimum, Permittees shall comply with applicable state, tribal and local public notice requirements when implementing a public involvement and participation program. The SWMP shall include ongoing opportunities for public involvement and participation such as advisory panels, public hearings, watershed committees, participation in developing rate-structures, stewardship programs, environmental activities, other volunteer opportunities, or other similar activities.

The minimum performance measures are:

- a. No later than one year from the effective date of this permit, all Permittees shall adopt a program or policy directive to create opportunities for the public to provide input during the decision making processes involving the development, implementation and update of the SWMP, including development and adoption of all required ordinances and regulatory mechanisms. All Permittees shall develop and implement a process for consideration of public comments on their SWMP, including required ordinances and regulatory mechanisms.



- b. No later than May 31 each year beginning in 2008, all Permittees shall make the latest updated version of the SWMP available to the public. If the Permittee maintains a website, the SWMP that was submitted with the latest annual report, or a more current version, shall be posted on the website. Co-Permittees and other groups of Permittees that are developing the SWMP in a cooperative effort may post the updated SWMP on a single entity's website.

3. Illicit Discharge Detection and Elimination

Each Permittee shall develop, implement and enforce a program to detect and eliminate illicit discharges (as defined at 40 CFR 122.26(b)(2)) into the MS4.

The minimum performance measures are:

- a. Each Permittee shall develop a map of the MS4, showing the location of all known and new connections to the MS4 authorized or approved by the Permittee; all known outfalls; the names and locations of all waters of the state that receive discharges from those outfalls; and areas served by discharges to ground.
  - i. The map shall be: at least approximately one-third complete no later than three years from the effective date of this permit; at least approximately two-thirds complete no later than four years from the effective date of this permit; and complete before the expiration date of this permit.
  - ii. Field surveys shall be conducted pursuant to the requirements of S5.B.3.c.ii. no later than 180 days prior to the expiration date of this permit to verify outfall locations and identify previously unknown outfalls on priority water bodies.
  - iii. Permittees shall, upon request and to the extent appropriate, provide maps and mapping information to Ecology and/or other entities covered under this permit.
  - iv. The preferred, but not required, format of submission is an electronic format with fully described mapping standards. An example description is provided on Ecology's website.
  - v. The Permittee shall maintain documentation of the information included in the map, and the map shall be updated periodically.
- b. Each Permittee shall effectively prohibit, through ordinance or other regulatory mechanism, non-stormwater discharges into the MS4.
  - i. An ordinance or other regulatory mechanism that prohibits illicit discharges and authorizes enforcement actions, including on private property, shall be adopted no later than 30 months from the effective date of this permit.

- ii. Non-stormwater discharges covered by another NPDES permit and discharges from emergency fire fighting activities are allowed in the MS4 in accordance with S2 Authorized Discharges.
- iii. The ordinance or other regulatory mechanism does not need to prohibit the following categories of non-stormwater discharges:
  - Diverted stream flows;
  - Rising ground waters;
  - Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20));
  - Uncontaminated pumped ground water;
  - Foundation drains;
  - Air conditioning condensation;
  - Irrigation water from agricultural sources that is commingled with urban stormwater;
  - Springs;
  - Water from crawl space pumps;
  - Footing drains; and
  - Flows from riparian habitats and wetlands.
- iv. The ordinance or other regulatory mechanism shall prohibit the following categories of non-stormwater discharges unless the stated conditions are met:
  - Discharges from potable water sources, including water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be de-chlorinated to a concentration of 0.1 ppm or less, pH-adjusted if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments in the MS4;
  - Discharges from lawn watering and other irrigation runoff. These discharges shall be minimized through, at a minimum, public education activities (see S5.B.1.) and water conservation efforts.
  - Dechlorinated swimming pool discharges. The discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted and reoxygenated if necessary, and volumetrically

and velocity controlled to prevent resuspension of sediments in the MS4. Swimming pool cleaning wastewater and filter backwash shall not be discharged to the MS4.

- Street and sidewalk wash water, water used to control dust, and routine external building wash down that does not use detergents. The Permittee shall reduce these discharges through, at a minimum, public education activities (see S5.B.1.) and/or water conservation efforts. To avoid washing pollutants into the MS4, Permittees shall minimize the amount of street wash and dust control water used. At active construction sites, street sweeping shall be performed prior to washing the street.
  - Other non-stormwater discharges. Other non-stormwater discharges shall be in compliance with the requirements of a stormwater pollution prevention plan reviewed by the Permittee which addresses control of such discharges.
- v. The SWMP shall, at a minimum, address each category in (iv) above in accordance with the conditions stated therein.
- vi. The SWMP shall further address any category of discharges in (iii) or (iv) above if the discharge is identified as a significant source of pollutants to waters of the state.
- vii. The ordinance or other regulatory mechanism shall include, escalating enforcement procedures and actions.
- viii. The Permittee shall develop an enforcement strategy and implement the enforcement provisions of the ordinance or other regulatory mechanism.
- c. All Permittees shall develop and implement an ongoing program to detect and address non-stormwater discharges, including spills, and illicit connections to the MS4. The plan shall be fully implemented no later than 180 days prior to the expiration date of this permit and shall include:
- i. Procedures for locating priority areas likely to have illicit discharges, including at a minimum: evaluating land uses and associated business/industrial activities present; areas where complaints have been registered in the past; and areas with storage of large quantities of materials that could result in illicit discharges, including spills.
  - ii. Field assessment activities, including visual inspection of outfalls or facilities serving priority areas identified in (i), above, during dry weather and for the purposes of verifying outfall locations and detecting illicit discharges.

- Compliance with this provision shall be achieved by: prioritizing receiving waters for visual inspection to identify previously unknown outfalls no later than three years from the effective date of this permit; field assessing at least three high priority water bodies or other priority areas *to verify outfall locations and detect illicit discharges* no later than four years from the effective date of this permit, and field assessing at least one high priority water body *or other high priority area* each year thereafter.
- iii. Procedures for characterizing the nature of, and potential public or environmental threat posed by, any illicit discharges found by or reported to the Permittee. Procedures shall include detailed instructions for evaluating whether the discharge shall be immediately contained and steps to be taken for containment of the discharge.
- Compliance with this provision will be achieved by: investigating (or referring to the appropriate agency) within 7 days, on average, any complaints, reports or monitoring information that indicates a potential illicit discharge, including spills; and immediately investigating (or referring) problems and violations determined to be emergencies or otherwise judged by the Permittee's staff or other Qualified Personnel to be urgent or severe.
- iv. Procedures for tracing the source of an illicit discharge; including visual inspections, and when necessary, opening manholes, using mobile cameras, collecting and analyzing water samples, and/or other detailed inspection procedures.
- v. Procedures for ending the discharge, including notification of appropriate authorities; notification of the property owner; technical assistance for removing the source of the discharge or otherwise eliminating the discharge; follow-up inspections; and escalating enforcement and legal actions if the discharge is not eliminated.
- *For illicit connections and illicit discharges of hazardous materials*, compliance with this provision will be achieved by: initiating an investigation, within 21 days of report or discovery of a suspected illicit connection or discharge, to determine the source of the discharge, the nature and volume of discharge through the connection, and the party responsible for the discharge; and, upon confirmation of the illicit nature of a storm drain connection or discharge, ensuring termination of the connection within 180 days, using enforcement authority as needed.

- For other illicit discharges, compliance with this provision shall be achieved by implementing appropriate enforcement provisions according to the strategy developed pursuant to S5.B.3.b.viii.
- d. Permittees shall inform public employees, businesses, and the general public of hazards associated with illicit discharges and improper disposal of waste.
- i. No later than 180 days prior to the expiration date of this permit, distribute appropriate information to target audiences identified pursuant to S5.B.1.a., and
  - ii. No later than two years from the effective date of this permit, publicly list and publicize a hotline or other local telephone number for public reporting of spills and other illicit discharges. Keep a record of all calls received and of all follow-up actions taken in accordance with S5.B.3.c.ii. through iv above; include a summary in the annual report.
- e. Permittees shall adopt and implement procedures for program evaluation and assessment, including tracking the number and type of illicit discharges, including spills, identified; inspections made; and any feedback received from public education efforts. A summary of this information shall be included in the Permittees' annual reports.
- f. Permittees shall provide adequate training to all those staff responsible for identification, investigation, termination, cleanup, and reporting of illicit discharges, including spills, and illicit connections.
- g. Permittees shall provide training to all municipal field staff that as part of their normal job responsibilities might come into contact with or otherwise observe an illicit discharge or illicit connection to the MS4. Permittees shall also train office personnel who might receive initial reports of illicit discharges. Training shall include how to identify an illicit discharge, including spills, or an illicit connection to the MS4 and proper procedures for reporting the illicit discharge.
4. Construction Site Stormwater Runoff Control
- All Permittees shall develop, implement and enforce a program to reduce pollutants in any stormwater runoff to the MS4 from construction activities that disturb one acre or more, and from construction projects of less than one acre that are part of a common plan of development or sale.
- Public and private projects, including projects proposed by the Permittee's own departments and agencies, shall comply with these requirements. The Permittee shall determine a process for ensuring proper project review, inspection, and compliance by its own departments and agencies.

The minimum performance measures are:

- a. No later than three years from the effective date of this permit, all Permittees shall develop and adopt an ordinance or other regulatory mechanism to require erosion and sediment controls, and other construction-phase stormwater pollution controls at new development and redevelopment projects. The ordinance or other regulatory mechanism shall include sanctions to ensure compliance. The ordinance or other regulatory mechanism shall have an effective date of no later than four years after the effective date of this permit.
  - i. The ordinance or other regulatory mechanism shall apply, at a minimum, to construction sites disturbing greater than or equal to one acre and to construction projects of less than one acre that are part of a common plan of development or sale. Pursuant to S5.A.2., in adopting this ordinance or other regulatory mechanism, existing local requirements to apply stormwater controls at smaller sites, or at lower thresholds than required pursuant to S4.B.4.a.ii., shall be retained.
  - ii. The ordinance or other regulatory mechanism shall require construction operators to adhere, at a minimum, to the requirements of Appendix 1, Core Element #2, including preparation of Construction Stormwater Pollution Prevention Plans (Construction SWPPPs) and application of BMPs as necessary to protect water quality, reduce the discharge of pollutants to the MEP, and satisfy state AKART requirements.
    - All Permittees shall adopt requirements for construction site operators to implement appropriate erosion and sediment control BMPs.
    - All Permittees shall adopt requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality.
    - Permittees shall document how the requirements of the ordinance or other regulatory mechanism protect water quality, reduce the discharge of pollutants to the MEP, and satisfy state AKART requirements. Documentation shall include:
      - How stormwater BMPs were selected;
      - The pollutant removal expected from the selected BMPs;
      - The technical basis which supports the performance claims for the selected BMPs; and

- How the selected BMPs will comply with applicable state water quality standards and satisfy the state requirement to apply AKART prior to discharge.

Permittees who choose to use the BMP selection, design, installation, operation and maintenance standards in the *Stormwater Management Manual for Eastern Washington* (2004), or another technical stormwater manual approved by Ecology, may cite this reference as the sole documentation that the ordinance or regulatory mechanism is protecting water quality, reducing the discharge of pollutants to the MEP, and satisfying state AKART requirements.
- iii. The ordinance or other regulatory mechanism shall include appropriate, escalating enforcement procedures and actions.
- iv. The Permittee shall develop an enforcement strategy and implement the enforcement provisions of the ordinance or other regulatory mechanism.
- v. The ordinance shall include a provision for access by qualified personnel to inspect construction-phase stormwater BMPs on private properties that discharge to the MS4.
- b. No later than four years from the effective date of this permit, all Permittees shall adopt and implement procedures for site plan review which incorporate consideration of potential water quality impacts.
  - i. Prior to construction, Permittees shall review Construction SWPPPs for, at a minimum, all construction sites that disturb one acre or more, or are less than one acre and are part of a common plan of development or sale, to ensure that the plans are complete pursuant to the requirements of Appendix 1, Core Element #2. The Construction SWPPP review shall be performed by qualified personnel and shall be performed in coordination with S5.B.5.b.i. review of Stormwater Site Plans.
    - To comply with this provision, Permittees shall keep records of all projects disturbing more than one acre, and all projects of any size that are part of a common plan of development or sale that is greater than one acre, that are approved after the effective date of this permit. Permittees shall keep records of these projects for five years or until construction is completed, whichever is longer.
    - If the Permittee chooses to allow construction sites to apply the “Erosivity Waiver” in Appendix 1, Core Element #2, the

Permittee is not required to review Construction SWPPPs for individual sites applying the waiver.

- ii. Permittees shall provide adequate training for all staff involved in permitting, planning, and review to carry out these provisions. The training records to be kept include dates, activities or course descriptions, and names and positions of staff in attendance.
- c. No later than four years from the effective date of this permit, all Permittees shall adopt and implement procedures for site inspection and enforcement of construction stormwater pollution control measures.
  - i. Each Permittee shall adopt a procedure for keeping records of inspections and enforcement actions by staff, including inspection reports, warning letters, notices of violations, and other enforcement records.
  - ii. Permittees shall provide adequate training for all staff involved in plan review, field inspection and enforcement to carry out the provisions of this SWMP component. The training records to be kept include dates, activities or course descriptions, and names and positions of staff in attendance.
  - iii. All new construction sites that disturb one acre or more, or are part of a common plan of development or sale shall be inspected at least once by qualified personnel.
    - To comply with this provision, Permittees shall keep records of all projects disturbing more than one acre, and all projects of any size that are part of a common plan of development or sale that is greater than one acre, that are approved after the effective date of this permit.
    - Permittees shall keep project records for five years or until construction is completed, whichever is longer.
    - Compliance with this inspection requirement will be determined by the Permittee having and maintaining records of an inspection program that is designed to inspect all sites. Compliance during this permit term will be determined by the Permittee achieving an inspection rate of at least 80% of the sites.
- d. From the effective date of this permit, all Permittees shall provide information to construction site operators about training available on how to install and maintain effective erosion and sediment controls and how to comply with the requirements of Appendix 1 and apply the BMPs described in Chapter 7 of the *Stormwater Management Manual for*



*Eastern Washington (2004)*, or another technical stormwater manual approved by Ecology.

Permittees shall keep copies of information provided to construction site operators; and, if information is distributed to a large number of design professionals at once, the dates of the mailings and lists of recipients.

- e. All Permittees shall adopt and implement procedures for receipt and consideration of information submitted by the public. This includes, but is not *limited* to, publicly listing and publicizing a hotline or other telephone number for public reporting of spills and other illicit discharges pursuant to S5.B.3.d.ii. above.
  - f. If the Permittee chooses to allow construction sites to apply the “Erosivity Waiver” in Appendix 1, Core Element #2, the Permittee shall keep a record of all construction sites that provide notice to the Permittee of their intention to apply the waiver. The Permittee shall investigate complaints about these sites in the same manner as it will investigate complaints about sites that have submitted Construction SWPPPs for review pursuant to S5.B.4.b.i. above.
5. Post-Construction Stormwater Management for New Development and Redevelopment

All Permittees shall develop, implement and enforce a program to address post-construction stormwater runoff to the MS4 from new development and redevelopment projects that disturb one acre or more, and from projects of less than one acre that are part of a common plan of development or sale. The program shall ensure that controls to prevent or minimize water quality impacts are in place.

Public and private projects, including projects proposed by the Permittee’s own departments and agencies, shall comply with these requirements. The Permittee shall determine a process for ensuring proper project review, inspection, and compliance by its own departments and agencies.

The minimum performance measures are:

- a. No later than three years from the effective date of this permit, all Permittees shall develop and adopt an ordinance or other regulatory mechanism that requires post-construction stormwater controls at new development and redevelopment projects. Pursuant to S5.A.2., in adopting this ordinance or other regulatory mechanism, existing local requirements to apply stormwater controls at smaller sites, or at lower thresholds than required pursuant to S5.B.5.a.ii., shall be retained. The ordinance or other regulatory mechanism shall include sanctions to ensure compliance. The ordinance or other regulatory mechanism shall have an effective date of no later than four years after the effective date of this permit.

- i. The ordinance or other regulatory mechanism shall apply, at a minimum, to new development and redevelopment sites that discharge to the MS4 and that disturb one acre or more or are less than one acre and are part of a common plan of development or sale.
- ii. The ordinance or other regulatory mechanism shall require project proponents and property owners to adhere to the minimum technical requirements in Appendix 1 and shall include BMP selection, design, installation, operation, and maintenance standards necessary to protect water quality, reduce the discharge of pollutants to the MEP, and satisfy state AKART requirements.
  - All Permittees shall adopt a policy of encouraging project proponents to maintain natural drainages to the maximum extent possible, including reducing the total amount of impervious surfaces created by the project.
    - Permittees should consider including provisions to allow non-structural preventive actions and source reduction approaches such as Low Impact Development (LID) techniques, measures to minimize the creation of impervious surfaces and measures to minimize the disturbance of native soils and vegetation. Provisions for LID should take into account site conditions, access and long term maintenance.
  - All Permittees shall adopt requirements for project proponents and property owners to implement appropriate runoff treatment, flow control, and source control BMPs considering the proposed land use at the site to minimize adverse impacts to water quality.
    - Each Permittee shall define a specific hydrologic method or methods for calculating runoff volumes and flow rates to ensure consistent sizing of structural BMPs in their jurisdiction and to facilitate plan review. Permittees may allow proponents of unique or complex projects to use other methodologies.
    - To meet the requirements of Appendix 1, Core Element #5, Permittees may choose to apply the criteria in Chapter 2.2.5 of the *Stormwater Management Manual for Eastern Washington* (2004), or portions thereof, and the methods described in Chapters 4 and 6 of the *Stormwater Management Manual for Eastern Washington* (2004).
  - All Permittees shall adopt requirements to ensure adequate ongoing long-term operation and maintenance of the BMPs approved by the Permittee.

- Permittees shall document how the requirements of the ordinance or other regulatory mechanism protect water quality, reduce the discharge of pollutants to the MEP, and satisfy state AKART requirements. Documentation shall include:
  - How stormwater BMPs were selected;
  - The pollutant removal expected from the selected BMPs;
  - The technical basis which supports the performance claims for the selected BMPs; and
  - How the selected BMPs will comply with applicable state water quality standards and satisfy the state requirement to apply AKART prior to discharge.

Permittees who choose to use the BMP selection, design, installation, operation and maintenance standards in the *Stormwater Management Manual for Eastern Washington* (2004), or another technical stormwater manual approved by Ecology, may cite this reference as the sole documentation that the ordinance or regulatory mechanism is protecting water quality, reducing the discharge of pollutants to the MEP, and satisfying state AKART requirements.

- iii. The ordinance or other regulatory mechanism shall include provisions for both construction-phase and post-construction access for Permittees to inspect stormwater BMPs on private properties that discharge to the MS4. If deemed necessary for post-construction access, the ordinance or other regulatory mechanism may, in lieu of requiring that continued access be granted to the Permittee's staff or qualified personnel, instead require private property owners to provide annual certification by a qualified third party that adequate maintenance has been performed and the facilities are operating as designed to protect water quality.
  - iv. The ordinance or other regulatory mechanism shall include appropriate, escalating enforcement procedures and actions.
  - v. The Permittee shall develop an enforcement strategy and implement the enforcement provisions of the ordinance or other regulatory mechanism.
- b. No later than four years from the effective date of this permit, all Permittees shall adopt and implement procedures for site plan review which incorporate consideration of potential water quality impacts.
- i. Prior to construction, Permittees shall review Stormwater Site Plans for, at a minimum, all new development and redevelopment sites that

meet the thresholds in S5.B.5.a.i. to ensure that the plans include stormwater pollution prevention measures that meet the requirements in S5.B.5.a.ii.

To comply with this provision, Permittees shall keep records of all projects disturbing more than one acre, and all projects of any size that are part of a common plan of development or sale that is greater than one acre, that are approved after the effective date of this permit. Permittees shall keep records of these projects for five years or until construction is completed, whichever is longer.

- ii. The site plan review shall be performed by qualified personnel and shall include review of Construction Stormwater Pollution Prevention Plans where required pursuant to S5.B.4.b.i.
- c. No later than four years from the effective date of this permit, all Permittees shall adopt and implement procedures for site inspection and enforcement of post-construction stormwater control measures.
  - i. All Permittees shall adopt a procedure for keeping records of inspections and enforcement actions by staff, including inspection reports, warning letters, notices of violations, and other enforcement records. At a minimum, inspection and enforcement procedures shall be applied to all new development and redevelopment sites that meet the thresholds in S5.B.5.a.i.
  - ii. Structural BMPs shall be inspected at least once during installation by qualified personnel.
  - iii. Structural BMPs shall be inspected at least once every five years after final installation, or more frequently as determined by the Permittee to be necessary to prevent adverse water quality impacts, to ensure that adequate maintenance is being performed. The inspection shall be performed by qualified personnel.
  - iv. Recommended operation and maintenance standards for structural BMPs in the Stormwater Management Manual for Eastern Washington (2004), or another technical stormwater manual approved by Ecology, shall be met. If a BMP is not inspected, the Permittee is not in violation of this provision unless a violation of water quality standards occurs due to lack of operation and maintenance of the facility.
  - v. If a site is inspected and problems are identified, the Permittee is not in violation of this provision, provided the Permittee requires and confirms that necessary operation, maintenance and/or repair to correct the problem is performed as soon as practicable.

- d. Permittees shall provide adequate training for all staff involved in permitting, planning, review, inspection, and enforcement to carry out the provisions of this SWMP component.
- e. From the effective date of this permit, all Permittees shall provide information to design professionals about training available on how to comply with the requirements of Appendix 1 and apply the BMPs described in the *Stormwater Management Manual for Eastern Washington* (2004), or another technical stormwater manual approved by Ecology.
- f. To comply with these provisions, Permittees shall keep records of all projects disturbing more than one acre that are approved on or after the effective date of the ordinance or other regulatory mechanism (but no later than four years from the effective date of this permit); and all projects of any size that are part of a common plan of development or sale that is greater than one acre, that are approved after the effective date of this permit.
  - i. Permittees shall keep project records for five years or until construction is completed, whichever is longer, with the following exceptions: approved site plans and O&M plans shall be kept as needed to comply with the ongoing inspection requirements of this permit.
  - ii. The training records to be kept (for d, above) include dates, activities or course descriptions, and names and positions of staff in attendance.
  - iii. Permittees shall keep copies of information that is provided to design professionals (for e, above); and, if information is distributed to a large number of design professionals at once, the dates of the mailings and lists of recipients.

6. Pollution Prevention and Good Housekeeping for Municipal Operations

All Permittees shall develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations.

The minimum performance measures are:

- a. No later than four years from the effective date of this permit, all Permittees shall develop and implement a schedule of municipal Operation and Maintenance activities (an O&M Plan). The schedule shall include BMPs that, when applied to the municipal activity or facility, will protect water quality, reduce the discharge of pollutants to the MEP, and satisfy state AKART requirements. Chapter 8 of the *Stormwater Management Manual for Eastern Washington* provides a selection of appropriate BMPs that meet these requirements for various types of facilities. Operation and maintenance standards in the O&M Plan shall be

at least as protective as those included in Chapters 5, 6, and 8 of the *Stormwater Management Manual for Eastern Washington* (2004), or another technical stormwater manual approved by Ecology. Record keeping shall be done pursuant to the requirements in *S9 Reporting and Record Keeping*.

- i. The O&M Plan shall include appropriate pollution prevention and good housekeeping procedures for all of the following types of facilities and/or activities listed below. Low impact development techniques should be considered for all new and redeveloped municipal facilities. Water conservation measures should be considered for all landscaped areas, parks and open spaces.
  - Stormwater collection and conveyance system, including catch basins, stormwater sewer pipes, open channels, culverts, structural stormwater controls, and structural runoff treatment and/or flow control facilities. The O&M Plan shall address, but is not limited to: regular inspections, cleaning, proper disposal of waste removed from the system, and record keeping. No later than 180 days prior to the expiration date of this permit, Permittees shall implement catch basin cleaning, stormwater system maintenance, scheduled structural BMP inspections and maintenance, and pollution prevention/good housekeeping practices.
  - Roads, highways, and parking lots. The O&M Plan shall address, but is not limited to: deicing, anti-icing, and snow removal practices; snow disposal areas; material (e.g. salt, sand, or other chemical) storage areas; and all-season BMPs to reduce road and parking lot debris and other pollutants from entering the MS4. No later than 180 days prior to the expiration date of this permit, Permittees shall implement all pollution prevention/good housekeeping practices established in the O&M Plan for all roads, highways, and parking lots with more than 5,000 square feet of pollutant generating impervious surface that are owned, operated, or maintained by the Permittee.
  - Vehicle fleets. The O&M Plan shall address, but is not limited to: storage, washing, and maintenance of municipal vehicle fleets. No later than 180 days prior to the expiration date of this permit, Permittees shall conduct all vehicle and equipment washing and maintenance in a self-contained covered building or in designated wash and/or maintenance areas operated to separate wash water from stormwater.
  - Municipal buildings. The O&M Plan shall address, but is not limited to: cleaning, washing, painting and other maintenance

activities. No later than 180 days prior to the expiration date of this permit, Permittees shall implement all pollution prevention/good housekeeping practices established in the O&M Plan for buildings owned, operated, or maintained by the Permittee.

- Parks and open space. The O&M Plan shall address, but is not limited to: proper application of fertilizer, pesticides, and herbicides; sediment and erosion control; BMPs for landscape maintenance and vegetation disposal; trash management; and BMPs for building exterior cleaning and maintenance. No later than 180 days prior to the expiration date of this permit, Permittees shall implement park and open space maintenance pollution prevention/good housekeeping practices at all park areas and other open spaces owned or operated by the Permittee.
- Construction Projects. Public construction projects shall comply with the requirements applied to private projects. All construction projects owned or operated by the Permittee that are required to have an NPDES permit shall be covered under either the *General NPDES Permit for Stormwater Discharges Associated with Construction Activities* or another NPDES permit that covers stormwater discharges associated with the activity. All public projects approved after the effective date of this permit shall include construction and post-construction controls selected and implemented pursuant to the requirements in Appendix 1.
- Industrial Activities. All facilities owned or operated by the Permittee that are required to have NPDES permit coverage shall be covered under the *General NPDES Permit for Stormwater Discharges Associated with Industrial Activities* or another NPDES permit that covers stormwater discharges associated with the activity.
- Material storage areas, heavy equipment storage areas and maintenance areas. No later than 180 days prior to the expiration date of this permit, Permittees shall develop and implement a *Stormwater Pollution Prevention Plan* to protect water quality at each of these facilities owned or operated by the Permittee and not required to have coverage under the *General NPDES Permit for Stormwater Discharges Associated with Industrial Activities* or another NPDES permit that covers stormwater discharges associated with the activity. Generic *Stormwater Pollution Prevention Plans* that can be applied at multiple sites may be used to comply with this requirement.

- Flood management projects. Permittees shall assess water quality impacts in the design of all new flood management projects that are associated with the MS4 or that discharge to the MS4, including considering use of controls that minimize impacts to site hydrology and still meet project objectives. Permittees are encouraged to review and evaluate existing flood management projects that are associated with the MS4 or that discharge to the MS4 to determine whether changes or additions should be made to improve water quality.
  - Other facilities that would reasonably be expected to discharge contaminated runoff. Permittees shall identify these facilities, include BMPs to protect water quality from discharges from these sites in the O&M Plan, and implement the BMPs no later than 180 days prior to the expiration date of this permit.
- ii. *The O&M plan shall include a schedule of inspections and requirements for record keeping pursuant to S9 Reporting and Record Keeping.*
- A minimum of 95% of all known stormwater treatment and flow control facilities owned, operated or maintained by the Permittee shall be inspected at least once before the expiration date of this permit, with problem facilities identified during inspections to be inspected more frequently.
  - Spot checks for potentially damaged stormwater treatment and flow control facilities will be conducted after major storm events (greater than 10-year recurrence interval rainfall or snowmelt).
  - Any needed repair or maintenance shall be performed as soon as practicable pursuant to the findings of a regular inspection or spot check.
- iii. *The O&M plan shall identify the department (and where appropriate, the specific staff) responsible for performing each activity.*
- b. Permittees shall provide training for all employees who have primary construction, operations, or maintenance job functions that are likely to impact stormwater quality. The permittee shall identify target employees to participate in the training sessions. Training shall address the importance of protecting water quality, the requirements of this permit, operation and maintenance requirements, inspection procedures, ways to perform their job activities to prevent or minimize impacts to water quality, and procedures for reporting water quality concerns, including potential illicit discharges. Follow-up training shall be provided as needed to address changes in procedures, methods or staffing.



**S6. STORMWATER MANAGEMENT PROGRAM FOR SECONDARY PERMITTEES**

- A. This section applies to all Secondary Permittees, whether coverage under this Permit is obtained individually or as a Co-Permittee with a City and/or Town and/or County and/or another Secondary Permittee.
1. To the extent allowable under state, federal and local law, all components are mandatory for each Secondary Permittee covered under this permit, whether covered as an individual Permittee or as a Co-Permittee.
  2. Each Secondary Permittee shall develop and implement a stormwater management program (SWMP). The SWMP shall be designed to reduce the discharge of pollutants from regulated small MS4s to the maximum extent practicable and protect water quality.
  3. Unless an alternate implementation schedule is established by Ecology as a condition of permit coverage, the SWMP shall be developed and implemented in accordance with the schedules contained in this section and shall be fully developed and implemented no later than 180 days before the expiration date of this Permit. Notwithstanding the schedules in this Permit, Secondary Permittees that are already implementing some or all of the required SWMP components shall continue implementation of those components.
  4. Secondary Permittees may implement parts of their SWMP in accordance with the schedule for cities, towns and counties in S5, provided they have signed a memorandum of understanding or other agreement to jointly implement the activity or activities with one or more jurisdictions listed in S1.B, and submitted a copy of the agreement to Ecology.
  5. Each Secondary Permittee shall prepare written documentation of the SWMP. The SWMP documentation shall be organized according to the program components in S6.D below and shall be updated at least annually for submittal with the Permittee's annual reports to Ecology (see S9 *Reporting and Record Keeping*). The SWMP documentation shall include:
    - a. A description of each of the program components included in S6.D.1 through S6.D.6, and
    - b. Any additional actions necessary to meet the requirements of applicable TMDLs pursuant to S7 *Compliance with Total Maximum Daily Load Requirements*.
- B. Coordination
- The SWMP shall include mechanisms to encourage coordinated stormwater-related policies, programs and projects within a watershed and interconnected MS4s. Where relevant and appropriate, the SWMP shall also include coordination among departments of the Secondary Permittee to ensure compliance with the terms of this permit.

C. Legal Authority

To the extent allowable under state law and federal law, each Secondary Permittee shall be able to demonstrate that they can operate pursuant to legal authority which authorizes or enables the Secondary Permittee to control discharges to and from municipal separate storm sewers owned or operated by the Secondary Permittee.

This legal authority, may be a combination of statutes, ordinances, permits, contracts, orders, interagency agreements, or similar instruments.

D. Stormwater Management Program for Secondary Permittees

The term “Secondary Permittees” means drainage, diking, flood control, or diking and drainage districts, Ports (other than the Ports of Seattle and Tacoma), public colleges and universities, and any other owners or operators of municipal separate storm sewers located within the municipalities that are listed as Permittees in S1.D. The Stormwater Management Program (SWMP) for Secondary Permittees shall include the following components:

1. Public Education and Outreach

Each Secondary Permittee shall implement the following stormwater education strategies:

- a. Storm drain inlets owned and operated by the Secondary Permittee that are located in maintenance yards, in parking lots, along sidewalks, and at pedestrian access points shall be clearly and permanently labeled with the message “Dump no waste” and indicating the point of discharge as a river, lake, bay, or ground water.
  - i. No later than three years from the date of permit coverage, at least 50 percent of these inlets shall be labeled.
  - ii. No later than 180 days prior expiration date of this Permit, or as established as a condition of coverage by Ecology, all of these inlets shall be labeled.
  - iii. As identified during visual inspection and regular maintenance of storm drain inlets per the requirements of S6.D.3.d. and S6.D.6.a.i. below, or as otherwise reported to the Secondary Permittee, any inlet having a label that is no longer clearly visible and/or easily readable shall be re-labeled within 90 days.
- b. Each year beginning no later than three years from the date of permit coverage, public ports, colleges and universities shall distribute educational information to tenants and residents on the impact of stormwater discharges on receiving waters, and steps that can be taken to reduce pollutants in stormwater runoff. Different combinations of topics shall be addressed each year, and, before the expiration date of this Permit.

Where relevant, tenants and residents shall receive educational information about the following topics:

- i. How stormwater runoff affects local waterbodies;
- ii. Proper use and application of pesticides and fertilizers;
- iii. Benefits of using well-adapted vegetation;
- iv. Alternative equipment washing practices including cars and trucks that minimize pollutants in stormwater;
- v. Benefits of proper vehicle maintenance and alternative transportation choices; proper handling and disposal of wastes, including the location of hazardous waste collection facilities in the area;
- vi. Hazards associated with illicit connections; and
- vii. Benefits of litter control and proper disposal of pet waste.

Compliance with this requirement can be achieved through participation in the local jurisdiction's public education and outreach programs.

2. Public Involvement and Participation

No later than 180 days before the expiration date of this Permit, or as established as a condition of coverage by the Ecology, each Secondary Permittee shall:

- a. Publish a public notice in the local newspaper or on the Permittee's website and solicit public review of their SWMP.
- b. Make the latest updated version of the SWMP available to the public. If the Secondary Permittee maintains a website, the SWMP shall be posted on the Secondary Permittee's website.

3. Illicit Discharge Detection and Elimination

Each Secondary Permittee shall:

- a. From the date of permit coverage, comply with all relevant ordinances, rules, and regulations of the local jurisdiction(s) in which the Secondary Permittee is located that govern non-stormwater discharges.
- b. Develop and adopt appropriate policies prohibiting illicit discharges no later than one year from the date of permit coverage. Identify possible enforcement mechanisms no later than one year from the date of permit coverage; and, no later than eighteen months from the date of permit coverage, develop and implement an enforcement plan using these mechanisms to ensure compliance with illicit discharge policies. These

policies shall address, at a minimum: illicit connections; non-stormwater discharges, including spills, of hazardous materials, pet waste, and litter.

- i. Non-stormwater discharges covered by another NPDES permit and discharges from emergency fire fighting activities are allowed in the MS4 in accordance with S2. *Authorized Discharges*.
- ii. The policies do not need to prohibit the following categories of non-stormwater discharges:
  - Diverted stream flows;
  - Rising ground waters;
  - Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20));
  - Uncontaminated pumped ground water;
  - Foundation drains;
  - Air conditioning condensation;
  - Irrigation water from agricultural sources that is commingled with urban stormwater;
  - Springs;
  - Water from crawl space pumps;
  - Footing drains; and
  - Flows from riparian habitats and wetlands.
- iii. The policies shall prohibit the following categories of non-stormwater discharges unless the stated conditions are met:
  - Discharges from potable water sources, including water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be de-chlorinated to a concentration of 0.1 ppm or less, pH-adjusted if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments in the MS4;
  - Discharges from lawn watering and other irrigation runoff. These discharges shall be minimized through, at a minimum, public education activities and water conservation efforts conducted by the Secondary Permittee and/or the local jurisdiction.

- Dechlorinated swimming pool discharges. The discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted and reoxygenated if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments in the MS4. Swimming pool cleaning wastewater and filter backwash shall not be discharged to the MS4.
  - Street and sidewalk wash water, water used to control dust, and routine external building washdown that does not use detergents. The Secondary Permittee shall reduce these discharges through, at a minimum, public education activities and/or water conservation efforts conducted by the Secondary Permittee and/or the local jurisdiction. To avoid washing pollutants into the MS4, the Secondary Permittee shall minimize the amount of street wash and dust control water used. At active construction sites, street sweeping shall be performed prior to washing the street.
  - Other non-stormwater discharges shall be in compliance with the requirements of a stormwater pollution prevention plan reviewed by the Permittee which addresses control of such discharges.
- iv. The Secondary Permittee's SWMP shall, at a minimum, address each category in iii above in accordance with the conditions stated therein.
- v. The SWMP shall further address any category of discharges in ii or iii above if the discharge is identified as a significant source of pollutants to waters of the State.
- c. No later than 180 days before the expiration date of this Permit, or as established as a condition of coverage by Ecology, develop a storm sewer system map showing the locations of all known storm drain outfalls, labeling the receiving waters, and delineating the areas contributing runoff to each outfall. Make the map (or completed portions of the map) available on request to Ecology and/or to other Permittees or Secondary Permittees. The preferred, but not required, format of submission will be an electronic format with fully described mapping standards. An example description is provided on Ecology's website.
- d. Conduct field inspections and visually inspect for illicit discharges at all known outfalls that discharge to surface waters. Visually inspect at least one third (on average) of all known outfalls each year beginning no later than two years from the date of permit coverage. Develop and implement procedures to identify and remove any illicit discharges. Keep records of inspections and follow-up activities.

- c. No later than 180 days before the expiration date of this Permit, or as established as a condition of coverage by the Ecology, develop and implement a spill response plan that includes coordination with a qualified spill responder.
  - f. No later than two years from permit coverage date, provide staff training or coordinate with existing training efforts to educate relevant staff on proper *best management practices* for preventing illicit discharges. All relevant staff shall be trained.
4. Construction Site Stormwater Runoff Control
- From the date of permit coverage, each Secondary Permittee shall:
- a. Comply with all relevant ordinances, rules, and regulations of the local jurisdiction(s) in which the Secondary Permittee is located that govern construction phase stormwater pollution prevention measures.
  - b. For all construction projects under the control of the Secondary Permittee which, require a construction stormwater permit, Secondary Permittees shall obtain coverage under the NPDES General Permit for Stormwater Discharges Associated with *Construction Activities*, or an alternative individual NPDES permit prior to discharging construction related stormwater.
  - c. Coordinate with the local jurisdiction regarding projects owned and operated by other entities which discharge into the Secondary Permittee's MS4, to assist the local jurisdiction with achieving compliance with all relevant ordinances, rules, and regulations of the local jurisdiction(s).
  - d. Provide training or coordinate with existing training efforts to educate relevant staff in erosion and sediment control BMPs and requirements, or hire trained contractors to perform the work.
  - e. Coordinate as requested with Ecology or the local jurisdiction to provide access for inspection of construction sites or other land disturbances, which are under the control of the Secondary Permittee during the active grading and/or construction period.
5. Post-Construction Stormwater Management for New Development and Redevelopment

From the date of permit coverage, each Secondary Permittee shall:

- a. Comply with all relevant ordinances, rules and regulations of the local jurisdiction(s) in which the Secondary Permittee is located that govern post-construction stormwater pollution prevention measures.
- b. Coordinate with the local jurisdiction regarding projects owned and operated by other entities which discharge into the Secondary Permittee's

MS4, to assist the local jurisdiction with achieving compliance with all relevant ordinances, rules, and regulations of the local jurisdiction(s).

6. Pollution Prevention and Good Housekeeping for Municipal Operations

Each Secondary Permittee shall:

- a. No later than three years from the date of permit coverage, develop and implement a municipal operation and maintenance (O&M) plan to minimize stormwater pollution from activities conducted by the Secondary Permittee. The O&M Plan shall include appropriate pollution prevention and good housekeeping procedures for all of the following operations, activities, and/or types of facilities that are present within the Secondary Permittee's boundaries.

- i. ***Stormwater collection and conveyance system, including catch basins***, stormwater sewer pipes, open channels, culverts, structural stormwater controls, and structural runoff treatment and/or flow control facilities. The O&M Plan shall address, but is not limited to: scheduled inspections and maintenance activities, including cleaning and proper disposal of waste removed from the system. Secondary Permittees shall properly maintain stormwater collection and conveyance systems owned or operated by the Secondary Permittee and regularly inspect and maintain all structural post-construction stormwater BMPs to ensure facility function.

For facilities located in Western Washington, Secondary Permittees shall establish maintenance standards that are as protective or more protective of facility function than those specified in Chapter 4 Volume V of the 2005 *Stormwater Management Manual for Western Washington*.

For facilities located in Eastern Washington, Secondary Permittees shall establish maintenance standards that are as protective or more protective of facility function than those specified in Chapters 5, 6 and 8 of the 2004 *Stormwater Management Manual for Eastern Washington*.

Secondary Permittees shall conduct spot checks of stormwater treatment and flow control facilities following a 24 hour storm event with a 10-year or greater recurrence interval.

- ii. Roads, highways, and parking lots. The O&M Plan shall address, but is not limited to: deicing, anti-icing, and snow removal practices; snow disposal areas; material (e.g. salt, sand, or other chemical) storage areas; all-season BMPs to reduce road and parking lot debris and other pollutants from entering the MS4.
  - iii. Vehicle fleets. The O&M Plan shall address, but is not limited to: storage, washing, and maintenance of Secondary Permittee vehicle

fleets; and fueling facilities. Secondary Permittees shall conduct all vehicle and equipment washing and maintenance in a self-contained covered building or in designated wash and/or maintenance areas.

- iv. **External** building maintenance. The O&M Plan shall address, building exterior cleaning and maintenance including cleaning, washing, painting and other maintenance activities.
  - v. Parks and open space. The O&M Plan shall address, but is not limited to: proper application of fertilizer, pesticides, and herbicides; sediment and erosion control; BMPs for landscape maintenance and vegetation disposal; and trash management.
  - vi. Material storage areas, heavy equipment storage areas, and maintenance areas. Secondary Permittees shall develop and implement a Stormwater Pollution Prevention Plan to protect water quality at each of these facilities owned or operated by the Secondary Permittee and not covered under the *General NPDES Permit for Stormwater Discharges Associated with Industrial Activities* or under another NPDES permit that covers stormwater discharges associated with the activity.
  - vii. Other facilities that would reasonably be expected to discharge contaminated runoff. The O&M Plan shall address proper stormwater pollution prevention practices for each facility.
- b. From the date of coverage under this Permit, Secondary Permittees shall also have permit coverage for all facilities operated by the Secondary Permittee that are required to be covered under the *General NPDES Permit for Stormwater Discharges Associated with Industrial Activities*.
  - c. The O&M Plan shall include sufficient documentation and records as necessary to demonstrate compliance with the O&M Plan requirements in S6.D.6.a.i through vii above.
  - d. Train all employees whose construction, operations, or maintenance job functions may impact stormwater quality. The training shall address:
    - i. The importance of protecting water quality,
    - ii. The requirements of this Permit,
    - iii. Operation and maintenance requirements,
    - iv. Inspection procedures,
    - v. Ways to perform their job activities to prevent or minimize impacts to water quality, and
    - vi. Procedures for reporting water quality concerns, including potential illicit discharges.



#### **S7. COMPLIANCE WITH TOTAL MAXIMUM DAILY LOAD REQUIREMENTS**

The following requirements apply if an applicable Total Maximum Daily Load (TMDL) is approved for stormwater discharges from MS4s owned or operated by the Permittee. Applicable TMDLs are TMDLs which have been approved by EPA on or before the date permit coverage is granted.

- A. For applicable TMDLs listed in Appendix 2, affected Permittees shall comply with the specific requirements identified in Appendix 2. Each Permittee shall keep records of all actions required by this permit that are relevant to applicable TMDLs within their jurisdiction. The status of the TMDL implementation shall be included as part of the annual report submitted to Ecology for this permit.

Where monitoring is required in Appendix 2, the Permittee shall conduct the monitoring according to a Quality Assurance Project Plan (QAPP) approved by Ecology.

- B. For applicable TMDLs not listed in Appendix 2, compliance with this permit shall constitute compliance with those TMDLs.
- C. For TMDLs that are approved by EPA after this permit is issued, Ecology may establish TMDL-related permit requirements through future permit modification if Ecology determines implementation of actions, monitoring or reporting necessary to demonstrate reasonable further progress toward achieving TMDL wasteload allocations, and other targets, are not occurring and shall be implemented during the term of this permit or when this permit is reissued. Permittees are encouraged to participate in development of TMDLs within their jurisdiction and to begin implementation.

#### **S8. MONITORING AND PROGRAM EVALUATION**

- A. Permittees are not required to conduct water sampling or other testing during the effective term of this permit, with the following exceptions:
  - 1. Any water quality monitoring required for compliance with TMDLs, pursuant to section S7 *Compliance with Total Maximum Daily Load Requirements* and Appendix 2 of this permit; and
  - 2. Any sampling or testing required for characterizing illicit discharges pursuant to section S5.B.3.c. or S6.D.3. of this permit.
- B. The Permittee shall provide the following information in each annual report:
  - 1. A description of any stormwater monitoring or studies conducted by the Permittee during the reporting period. If stormwater monitoring was conducted on behalf of the Permittee, or if studies or investigations conducted by other entities were reported to the Permittee, a brief description of the type of information gathered or received shall be included in the annual report(s) covering the time period(s) during which the information was received.

2. An assessment of the appropriateness of the BMPs identified by the Permittee for each component of the SWMP; and any changes made, or anticipated to be made, to the BMPs that were previously selected to implement the SWMP, and why.
3. Information required pursuant to S8.C.2. below.

C. Preparation for future, long-term monitoring

This section does not apply to Secondary Permittees. However, Secondary Permittees are required to provide information, maps and access for sampling efforts, as necessary. Secondary Permittees are encouraged to participate in the monitoring program.

1. All Cities, Towns and Counties shall prepare to participate in the implementation of a future comprehensive long-term monitoring program. The monitoring program will include three components: stormwater monitoring, Targeted Stormwater Management Program (SWMP) effectiveness monitoring, and runoff treatment Best Management Practice (BMP) effectiveness monitoring. Stormwater monitoring is intended to characterize stormwater runoff quantity and quality at a limited number of locations in a manner that allows analysis of loadings and changes in conditions over time and generalization across the Permittees' jurisdictions. SWMP effectiveness monitoring is intended to improve stormwater management efforts by evaluating issues that significantly affect the success of or confidence in stormwater controls. BMP effectiveness monitoring is intended to evaluate the effectiveness and operation and maintenance requirements of runoff treatment BMPs by characterizing effluent characteristics and pollutant removal. The monitoring program could include long-term monitoring and may include short-term studies. The results of the monitoring program would be used to support the adaptive management process and lead to refinements of the SWMP.

a. Stormwater monitoring

Cities having a population greater than 10,000 and Counties having a population greater than 25,000 shall identify sites for long-term stormwater monitoring. Adequate sites will be: completely mapped as required in S5.B.3.a and including land use delineation; and suitable for permanent installation and operation of flow-weighted composite sampling equipment. No later than December 31, 2010:

- i. Each County having a population greater than 100,000 shall identify three outfalls or conveyances where stormwater sampling could be conducted. One outfall or conveyance will represent commercial land use, the second will represent low-density residential land use, and the third will represent medium-to-high-density residential land use.

- ii. Each City having a population greater than 75,000 shall identify three outfalls or conveyances where stormwater sampling could be conducted. One outfall or conveyance will represent commercial land use, the second will represent high-density residential land use, and the third will represent industrial land use.
  - iii. Each County having a population between 25,000 and 100,000 shall identify two outfalls or conveyances where stormwater sampling could be conducted. One outfall or conveyance will represent commercial land use and the second will represent low-density residential land use.
  - iv. Each City having a population between 10,000 and 75,000 shall identify two outfalls or conveyances where stormwater sampling could be conducted. One outfall or conveyance will represent commercial land use and the second will represent high-density residential land use.
  - v. Permittees shall select outfalls or conveyances based on known water quality problems and/or targeted areas of interest for future monitoring. The Permittee shall document:
    - Why sites were selected;
    - Possible site constraints for installation of and access to monitoring equipment;
    - A brief description of the contributing basin including size in acreage, dominant land use and other contributing land uses;
    - Any water quality concerns in the receiving water of each selected outfall or conveyance.
- b. Targeted SWMP effectiveness monitoring
- Each City, Town and County shall prepare to conduct monitoring to determine the effectiveness of the Permittee's SWMP at controlling stormwater-related problems that are directly addressed by actions in the SWMP.
- i. This component of the monitoring program shall be designed to answer the *following types of questions*:
    - How effective is a targeted action or narrow suite of actions? and/or
    - Is the SWMP achieving a targeted environmental outcome?
  - ii. No later than December 31, 2010, each City, Town and County shall identify at least two suitable questions and select sites where monitoring would be conducted. This monitoring should include, at

a minimum, plans for either stormwater, receiving water or sediment monitoring of physical, chemical and/or biological characteristics. This monitoring may also include data collection and analysis of other measures of program effectiveness and/or problem identification and characterizing discharges for planning purposes.

iii. No later than December 31, 2010, each City, Town and County shall develop a monitoring plan for each question. The plan shall include the following elements:

- A statement of the question, an explanation of how and why the issue is significant to the Permittee, and a discussion of whether and how the results of the monitoring may be significant to other MS4s;
- A specific hypothesis about the issue or management actions that will be tested;
- Specific parameters or attributes to be measured; and
- Expected modifications to management actions depending on the outcome of hypothesis testing.

c. Runoff Treatment BMP Effectiveness Monitoring

Each City having a population greater than 25,000 and each County having a population greater than 50,000 shall prepare to conduct monitoring to evaluate the effectiveness of runoff treatment BMPs designed and built in accordance with the *Stormwater Management Manual for Eastern Washington* or an approved equivalent, applied in their jurisdiction. No later than December 31, 2010, these cities and counties shall select BMPs and sites according to the requirements below:

- i. Each City having a population greater than 50,000 and each County having a population greater than 100,000 shall prepare to monitor at least two BMPs, at no fewer than two sites per BMP.
- ii. Each City having a population between 25,000 and 50,000 and each County having a population between 50,000 and 100,000 shall prepare to monitor at least one BMP, at no fewer than two sites per BMP.
- iii. BMPs shall be selected from the following list:
  - Basic treatment
    - Biofiltration swale
    - Vegetated filter strip
    - Wet-pond

- Wet-vault
  - Treatment wetland
  - Sand filter
  - Dry pond
  - Extended detention dry pond
  - Metals treatment
    - Amended sand filter
    - Two facility treatment train
    - Bio-infiltration swale
  - Oil treatment
    - Bio-infiltration swale
    - Biofiltration swale
    - Vegetated filter strip
    - Linear sand filter
    - Catch basin insert
    - Catch basin preceded by passive oil control vault
2. Monitoring program reporting requirements
- a. The fourth annual report shall:
    - i. Describe the status of identification of sites for stormwater monitoring, if required for the Permittee;
    - ii. Include a summary of proposed questions for the SWMP effectiveness monitoring and describe the status of developing the monitoring plan, including the proposed purpose, design, and methods.
  - b. The fifth annual report shall identify the BMP(s) selected for runoff treatment BMP effectiveness monitoring, and describe the status of identification of sites for BMP effectiveness monitoring, if required for the Permittee.
  - c. To comply with the requirements of all or part(s) of this section, Permittees in a single Urbanized Area may choose to submit a collaborative report or reports in lieu of separate reports.

**S9. REPORTING AND RECORD KEEPING**

- A. No later than March 31 of each year beginning in 2008, each Permittee shall submit an annual report. The reporting period for the first annual report will be from the effective date of this permit through December 31, 2007. The reporting period for all subsequent annual reports will be the previous calendar year.
- B. Two printed copies and an electronic (PDF) copy of the annual report shall be submitted to Ecology. All submittals shall be delivered to:

Department of Ecology  
Water Quality Program  
Municipal Stormwater Permits  
P.O. Box 47696  
Olympia, WA 98504-7696

- C. Each Permittee is required to keep all records related to this permit and the SWMP for at least five years. Except as required as a condition of the annual reports, records need to be submitted to Ecology only upon request.
- D. Each Permittee shall make all records related to this permit and the Permittee's SWMP available to the public at reasonable times during business hours. The Permittee will provide a copy of the most recent annual report to any individual or entity, upon request.
  - 1. A reasonable charge may be assessed by the Permittee for making photocopies of records.
  - 2. The Permittee may require reasonable advance notice of intent to review records related to this permit.

- E. Annual report for Cities, Towns and Counties

Each annual report shall include the following:

- 1. A copy of the Permittee's current Stormwater Management Program as required by S5.A.3.
- 2. Submittal of Appendix 3 – *Annual Report Form for Cities, Towns, and Counties*, which is intended to summarize the Permittees compliance with the conditions of this permit, including:
  - a. Status of implementation of each component of the SWMP in section S5 *Stormwater Management Program for Cities, Towns, and Counties*.
  - b. An assessment of the Permittee's progress in meeting the minimum performance standards established for each of the minimum control measures of the SWMP.
  - c. A description of activities being implemented to comply with each component of the SWMP, including the number and type of inspections,

enforcement actions, public education and involvement activities, and illicit discharges detected and eliminated.

- d. The Permittee's SWMP implementation schedule and plans for meeting permit deadlines, and the status of SWMP implementation to date. If permit deadlines are not met, or may not be met in the future, include: reasons why, corrective steps taken and proposed, and expected dates that the deadlines will be met.
  - e. A summary of the Permittee's evaluation of their SWMP, according to sections S5.A.4. and S8.B.2.
  - f. If applicable, notice that the MS4 is relying on another governmental entity to satisfy any of the obligations under this permit.
  - g. Updated information from the prior annual report plus any new information received during the reporting period, pursuant to S8.B.2. above.
  - h. Certification and signature pursuant to G19.D, and notification of any changes to authorization pursuant to G19.C.
3. Permittees shall include with the annual report, notification of any annexations, incorporations or jurisdictional boundary changes resulting in an increase or decrease in the Permittee's geographic area of permit coverage during the reporting period, and implications for the SWMP.

F. Annual report for Secondary Permittees

All Secondary Permittees shall complete the *Annual Report Form for Secondary Permittees* (Appendix 4) and submit it along with any supporting documentation to Ecology.

1. The *Annual Report Form for Secondary Permittees* is intended to summarize the Permittees compliance with the conditions of this permit, including:
  - a. Status of implementation of each component of the SWMP in section S6 *Stormwater Management Program for Secondary Permittees* of this permit.
  - b. An assessment of the Permittee's progress in meeting the minimum performance standards established for each of the minimum control measures of the SWMP.
  - c. A summary of the Permittee's evaluation of their SWMP, according to section S8.B.2.
  - d. If applicable, notice that the MS4 is relying on another governmental entity to satisfy any of the obligations under this permit.

- c. Updated information from the prior annual report plus any new information received during the reporting period pursuant to S8.B.1. and S8.B.2.
  - f. Certification and signature pursuant to G19.D, and notification of any changes to authorization pursuant to G19.C.
- 2. Secondary Permittees shall include with the annual report, notification of any jurisdictional boundary changes resulting in an increase or decrease in the Permittee's geographic area of permit coverage during the reporting period, and implications for the SWMP.



## **GENERAL CONDITIONS**

### **G1. DISCHARGE VIOLATIONS**

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit.

### **G2. PROPER OPERATION AND MAINTENANCE**

The Permittee shall at all times properly operate and maintain all facilities and systems of collection, treatment, and control (and related appurtenances) which are installed or used by the Permittee for pollution control to achieve compliance with the terms and conditions of this permit.

### **G3. NOTIFICATION OF DISCHARGE INCLUDING SPILLS**

If a Permittee has knowledge of a discharge, including spills, into or from a municipal storm sewer which could constitute a threat to human health, welfare, or the environment, the Permittee shall:

- A. Take appropriate action to correct or minimize the threat to human health, welfare, and/or the environment, and
- B. Notify the Ecology regional office and other appropriate spill response authorities immediately but in no case later than within 24 hours of obtaining that knowledge. The Ecology Central Regional Office 24-hour number is 509-575-2490, and for the Eastern Regional Office the 24-hour number is 509-329-3400.
- C. Immediately report spills or discharges of oils or hazardous materials to the Ecology regional office and to the Washington Emergency Management Division, 1-800-258-5990.

### **G4. BYPASS PROHIBITED**

The intentional bypass of stormwater from all or any portion of a stormwater treatment BMP whenever the design capacity of the treatment BMP is not exceeded, is prohibited unless the following conditions are met:

- A. Bypass is: (1) unavoidable to prevent loss of life, personal injury, or severe property damage; or (2) necessary to perform construction or maintenance-related activities essential to meet the requirements of the Clean Water Act (*CWA*); and
- B. There are no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated stormwater, or maintenance during normal dry periods.

"Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.

**G5. RIGHT OF ENTRY**

The Permittee shall allow an authorized representative of Ecology, upon the presentation of credentials and such other documents as may be required by law at reasonable times:

- A. To enter upon the Permittee's premises where a discharge is located or where any records shall be kept under the terms and conditions of this permit;
- B. To have access to, and copy at reasonable cost and at reasonable times, any records that shall be kept under the terms of the permit;
- C. To inspect at reasonable times any monitoring equipment or method of monitoring required in the permit;
- D. To inspect at reasonable times any collection, treatment, pollution management, or discharge facilities; and
- E. To sample at reasonable times any discharge of pollutants.

**G6. DUTY TO MITIGATE**

The Permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

**G7. PROPERTY RIGHTS**

This permit does not convey any property rights of any sort, or any exclusive privilege.

**G8. COMPLIANCE WITH OTHER LAWS AND STATUTES**

Nothing in this permit will be construed as excusing the Permittee from compliance with any other applicable federal, state, or local statutes, ordinances, or regulations.

**G9. MONITORING**

- A. Representative Sampling: Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored discharge, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets, and maintenance-related conditions affecting effluent quality.
- B. Records Retention: The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least five years. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by Ecology. On request, monitoring data and analysis shall be provided to Ecology.

- C. Recording of Results: For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place and time of sampling; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.
- D. Test Procedures: All sampling and analytical methods used to meet the monitoring requirements specified in this permit shall conform to the Guidelines Establishing Test Procedures for the Analysis of Pollutants contained in 40 CFR Part 136, unless otherwise specified in this permit or approved in writing by Ecology.
- E. Flow Measurement: Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements is consistent with the accepted industry standard for that type of device. Frequency of calibration shall be in conformance with manufacturer's recommendations or at a minimum frequency of at least one calibration per year. Calibration records should be maintained for a minimum of three years.
- F. Lab Accreditation: All monitoring data, except for flow, temperature, conductivity, pH, total residual chlorine, and other exceptions approved by Ecology, shall be prepared by a laboratory registered or accredited under the provisions of, Accreditation of Environmental Laboratories, Chapter 173-50 WAC. Soils and hazardous waste data are exempted from this requirement pending accreditation of laboratories for analysis of these media by Ecology.
- G. Additional Monitoring: Ecology may establish specific monitoring requirements in addition to those contained in this permit by permit modification.

#### **G10. REMOVED SUBSTANCES**

With the exception of decant from street waste vehicles, the Permittee shall not allow collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of stormwater to be re-suspended or reintroduced to the storm sewer system or to waters of the state. Decant from street waste vehicles resulting from cleaning stormwater facilities may be reintroduced only when other practical means are not available and only in accordance with Recommendations for Disposal of Street Waste Liquids, pp. 8B-9 through 8B-12 in Appendix 8B of the *Stormwater Management Manual for Eastern Washington* (2004), or another technical stormwater manual approved by Ecology.

#### **G11. SEVERABILITY**

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit will not be affected thereby.

#### **G12. REVOCATION OF COVERAGE**

The director may terminate coverage under this General Permit in accordance with Chapter 43.21B RCW and Chapter 173-226 WAC. Cases where coverage may be terminated include, but are not limited to the following:

- A. Violation of any term or condition of this General Permit;
- B. Obtaining coverage under this General Permit by misrepresentation or failure to disclose fully all relevant facts;
- C. A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;
- D. A determination that the permitted activity endangers human health or the environment, or contributes significantly to water quality standards violations;
- E. Failure or refusal of the Permittee to allow entry as required in RCW 90.48.090;
- F. Nonpayment of permit fees assessed pursuant to RCW 90.48.465;

Revocation of coverage under this General Permit may be initiated by Ecology or requested by any interested person.

#### **G13. TRANSFER OF COVERAGE**

The director may require any discharger authorized by this General Permit to apply for and obtain an individual permit in accordance with Chapter 43.21B RCW and Chapter 173-226 WAC.

#### **G14. GENERAL PERMIT MODIFICATION AND REVOCATION**

This General Permit may be modified, revoked and reissued, or terminated in accordance with the provisions of WAC 173-226-230. Grounds for modification, revocation and re-issuance, or termination include, but are not limited to the following:

- A. A change occurs in the technology or practices for control or abatement of pollutants applicable to the category of dischargers covered under this General Permit;
- B. Effluent limitation guidelines or standards are promulgated pursuant to the CWA or chapter 90.48 RCW, for the category of dischargers covered under this General Permit;
- C. A water quality management plan containing requirements applicable to the category of dischargers covered under this General Permit is approved;
- D. Information is obtained which indicates that cumulative effects on the environment from dischargers covered under this General Permit are unacceptable; or
- E. Changes made to State law reference this permit.

#### **G15. REPORTING A CAUSE FOR MODIFICATION OR REVOCATION**

A Permittee who knows or has reason to believe that any activity has occurred or will occur which would constitute cause for modification or revocation and re-issuance under Condition G12, G14, or 40 CFR 122.62 shall report such plans, or such information, to Ecology so that a decision can be made on whether action to modify, or revoke and reissue this permit will be required. Ecology may then require submission of a new or amended application. Submission of such application does not relieve the Permittee of the duty to comply with this permit until it is modified or reissued.

#### **G16. APPEALS**

- A. The terms and conditions of this General Permit, as they apply to the appropriate class of dischargers, are subject to appeal within thirty days of issuance of this general permit, in accordance with Chapter 43.21B RCW, and Chapter 173-226 WAC.
- B. The terms and conditions of this General Permit, as they apply to an individual discharger, can be appealed in accordance with Chapter 43.21B RCW within thirty days of the effective date of coverage of that discharger. Consideration of an appeal of general permit coverage of an individual discharger is limited to the general permit's applicability or non-applicability to that individual discharger.
- C. The appeal of general permit coverage of an individual discharger does not affect any other dischargers covered under this General Permit. If the terms and conditions of this general permit are found to be inapplicable to any individual discharger(s), the matter will be remanded to Ecology for consideration of issuance of an individual permit or permits.
- D. Modifications of this permit can be appealed in accordance with Chapter 43.21B RCW and Chapter 173-226 WAC.

#### **G17. PENALTIES**

40 CFR 122.41(a)(2) and (3), 40 CFR 122.41(j)(5), and 40 CFR 122.41(k)(2) are hereby incorporated into this permit by reference.

#### **G18. DUTY TO REAPPLY**

The Permittee shall apply for permit renewal at least 180 days prior to the specified expiration date of this permit.

#### **G19. CERTIFICATION AND SIGNATURE**

All applications, reports, or information submitted to Ecology shall be signed and certified.

- A. All permit applications shall be signed by either a principal executive officer or ranking elected official.

- B. All reports required by this permit and other information requested by Ecology shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - 1. The authorization is made in writing by a person described above and submitted to Ecology, and
  - 2. The authorization specifies either an individual or a position having responsibility for the overall development and implementation of the stormwater management program. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
- C. Changes to authorization. If an authorization under General Condition G19.B.2 is no longer accurate because a different individual or position has responsibility for the overall development and implementation of the stormwater management program, a new authorization satisfying the requirements of General Condition G19.B.2 shall be submitted to Ecology prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D. Certification. Any person signing a document under this permit shall make the following certification:

“I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that Qualified Personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for willful violations.”

#### **G20. NON-COMPLIANCE NOTIFICATION**

In the event it is unable to comply with any of the terms and conditions of this permit, the Permittee must:

- A. Notify Ecology of the failure to comply with the permit terms and conditions in writing within 30 days of becoming aware that the non-compliance has occurred. The written notification must include all of the following:
  - 1. A description of the non-compliance, including dates.
  - 2. Beginning and ending dates of the non-compliance, and if the non-compliance has not been corrected, the anticipated date of correction.
  - 3. Steps taken or planned to reduce, eliminate, or prevent reoccurrence of the non-compliance.
- B. Take appropriate action to stop or correct the condition of non-compliance.

## **G21. UPSETS**

Permittees shall meet the conditions of 40 CFR 122.41(n) regarding “Upsets.” The conditions are as follows:

- A. Definition. “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- B. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of paragraph (C) of this condition are met. Any determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, will not constitute final administrative action subject to judicial review.
- C. Conditions necessary for demonstration of upset. A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed contemporaneous operating logs, or other relevant evidence that:
  - 1. An upset occurred and that the Permittee can identify the cause(s) of the upset;
  - 2. The permitted facility was at the time being properly operated; and
  - 3. The Permittee submitted notice of the upset as required in 40 CFR 122.41(l)(6)(ii)(B) (24-hour notice of noncompliance).
  - 4. The Permittee complied with any remedial measures required under 40 CFR 122.41(d) (Duty to Mitigate).
- D. Burden of proof. In any enforcement proceeding, the Permittee seeking to establish the occurrence of an upset has the burden of proof.

## DEFINITIONS AND ACRONYMS

“40 CFR” means Title 40 of the Code of Federal Regulations, which is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government.

“ADT” means Average Daily Traffic.

“AKART” means All Known, Available, and Reasonable methods of prevention, control, and Treatment. See also the State Water Pollution Control Act, sections 90.48.010 RCW and 90.48.520 RCW.

“All known, available, and reasonable methods of prevention, control, and treatment” refers to the state Water Pollution Control Act, RCW 90.48.010 and 90.48.520.

“Applicable TMDL” means a TMDL which has been approved by EPA on or before the issuance date of this permit, or prior to the date that the Permittee’s application is received by Ecology, or prior to a modification of this permit, whichever is later.

“Average Daily Traffic” (ADT) means the expected number of vehicles using a roadway. Projected average daily traffic volumes are considered in designing a roadway or roadway improvement. ADT volumes shall be estimated using “Trip Generation” published by the *Institute of Transportation Engineers* or from a traffic study prepared by a professional engineer or transportation specialist with expertise in traffic volume estimation. ADT volumes shall be estimated for the design year or expected life of the project (the intent is for treatment facilities to be added in the soonest period of disruptive construction). For project sites with seasonal or varied use, evaluate the highest period of expected traffic impacts.

“Beneficial Uses” means uses of waters of the state, which include but are not limited to: use for domestic, stock watering, industrial, commercial, agricultural, irrigation, mining, fish and wildlife maintenance and enhancement, recreation, generation of electric power and preservation of environmental and aesthetic values, and all other uses compatible with the enjoyment of the public waters of the state.

“Best Management Practices” are the schedules of activities, prohibitions of practices, maintenance procedures, and structural and/or managerial practices approved by Ecology that, when used singly or in combination, prevent or reduce the release of pollutants and other adverse impacts to receiving waters.

“BMP” means Best Management Practice.

“Bypass” means the diversion of stormwater from any portion of a stormwater treatment facility.

“Certified Erosion and Sediment Control Lead” (CESCL) means an individual who is knowledgeable in the principles and practices of erosion and sediment control. The CESCL shall have the skills to assess: the site conditions and construction activities that could impact the quality of stormwater; and the effectiveness of erosion and sediment control measures used to control the quality of stormwater discharges. The CESCL shall have current certification through an approved erosion and sediment control training program that meets



the minimum training standards established by Ecology (see BMP C160 in the *Stormwater Management Manual for Eastern Washington* (2004)).

“CESCL” means Certified Erosion and Sediment Control Lead.

“Common plan of development or sale” means a site where multiple separate and distinct construction activities may be taking place at different times on different schedules, but still under a single plan. Examples include: phased projects and projects with multiple filings or lots, even if the separate phases or filings/lots will be constructed under separate contract or by separate owners (e.g. a development where lots are sold to separate builders); a development plan that may be phased over multiple years, but is still under a consistent plan for long-term development; and projects in a contiguous area that may be unrelated but still under the same contract, such as construction of a building extension and a new parking lot at the same facility. If the project is part of a common plan of development or sale, the disturbed area of the entire plan shall be used in determining permit requirements.

“Component” or “Program Component” means an element of the Stormwater Management Program listed in S5 *Stormwater Management Program for Cities, Towns, and Counties* or S6 *Stormwater Management Program for Secondary Permittees* of this permit.

“Co-Permittee” means any operator of a regulated small MS4 that is applying jointly with another applicant for coverage under this permit. A Co-Permittee owns or operates a regulated small MS4 located within or adjacent to another regulated MS4. A Co-Permittee is only responsible for complying with the conditions of this permit relating to discharges from the MS4 the Co-Permittee owns or operates. See also 40 CFR 122.26(b)(1)

“CWA” means the federal Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub. L. 92-500, as amended in Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483, and Pub. L. 97-117, 33 U.S.C. 1251 *et. seq.*

“Detailed Implementation Plan” means the formal implementation plan for a Total Maximum Daily Load (TMDL) or water quality clean-up plan.

“DIP” means Detailed Implementation Plan.

“Director” means the Director of the Washington State Department of Ecology, or an authorized representative.

“Discharge” for the purpose of this permit unless indicated otherwise, refers to discharges from municipal separate storm sewers owned or operated by a Permittee.

“Entity” means a governmental body or a public or private organization.

“Existing conditions” are the impervious surfaces, drainage systems, land cover, native vegetation and soils that exist at a site prior to any changes associated with achieving the proposed development conditions. Approved permits and engineering plans may be required. If sites have impervious areas and drainage systems that were built without approved permits, then the existing condition is defined as those that existed prior to the issue date of this Permit. Existing conditions may be verified by using aerial photography or other

records. Existing conditions are used for hydrologic analysis at the site unless a City or County imposes other requirements.

“General Permit” means a permit which covers multiple dischargers of a point source category within a designated geographical area, in lieu of individual permits being issued to each discharger.

“Ground water” means water in a saturated zone or stratum beneath the surface of the land or below a surface water body.

“Heavy equipment maintenance or storage yard” means an uncovered area where any heavy equipment, such as mowing equipment, excavators, dump trucks, backhoes, or bulldozers are washed or maintained, or where at least five pieces of heavy equipment are stored on a long term basis.

“High ADT Roadways and Parking Areas” are any road with ADT greater than 30,000 vehicles per day; and parking areas with more than 100 trip ends per 1,000 SF of gross building area or greater than 300 total trip ends are considered to be high-use traffic areas. Examples include commercial buildings with a frequent turnover of customers and other visitors.

“High-Use Sites” generate high concentrations of oil due to high traffic turnover or the frequent transfer of oil and/or other petroleum products. High-use sites are land uses where sufficient quantities of free oil are likely to be present such that they can be effectively removed with special treatment. A high-use site is any one of the following:

- A road intersection with expected ADT of 25,000 vehicles or more on the main roadway and 15,000 vehicles or more on any intersecting roadway, excluding projects proposing primarily pedestrian or bicycle use improvements; or
- A commercial or industrial site with an expected trip end count equal to or greater than 100 vehicles per 1,000 square feet of gross building area (best professional judgment should be used in comparing this criterion with the following criterion); or
- A customer or visitor parking lot with an expected trip end count equal to or greater than 300 vehicles (best professional judgment should be used in comparing this criterion with the preceding criterion); or
- Commercial on-street parking areas on streets with an expected total ADT count equal to or greater than 7,500; or
- Fueling stations and facilities; or
- A commercial or industrial site subject to petroleum storage and transfer in excess of 1,500 gallons per year (not including locations where heating fuel is routinely delivered to end users and the annual amount of heating oil used at the site is the sole basis for the site meeting this definition; heating fuel handling and storage facilities are subject to this definition); or

- A commercial or industrial site subject to use, storage, or maintenance of a fleet of 25 or more diesel vehicles that are over 10 tons gross weight (trucks, buses, trains, heavy equipment, etc.); or
- Maintenance and repair facilities for vehicles, aircraft, construction equipment, railroad equipment or industrial machinery and equipment; or
- Outdoor areas where hydraulic equipment is stored; or
- Log storage and sorting yards and other sites subject to frequent use of forklifts and/or other hydraulic equipment; or
- Railroad yards.

“Hydrologic modification of a wetland” means, for the purpose of stormwater management, that the wetland will receive a greater total volume of surface runoff following the proposed development than it receives in the current condition.

“Hyperchlorinated” means water that contains more than 10 mg/Liter chlorine. “Illicit connection” means any man-made conveyance that is connected to a municipal separate storm sewer without a permit, excluding roof drains and other similar type connections. Examples include sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the municipal separate storm sewer system.

“Illicit discharge” means any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from emergency fire fighting activities.

“Industrial or Construction Activity” means manufacturing, processing or raw materials storage areas at an industrial plant; or clearing, grading and/or excavation. These activities are required to NPDES permit coverage in accordance with 40 CFR 122.26.

“Interflow” means that portion of rainfall that infiltrates into the soil and moves laterally through the upper soil horizons until intercepted by a stream channel or until it returns to the surface.

“Low ADT Roadways and Parking Areas” are urban roads with ADT fewer than 7,500 vehicles per day; rural roads and freeways with ADT less than 15,000 vehicles per day; and parking areas with less than 40 trip ends per 1,000 SF of gross building area or fewer than 100 total trip ends per day are considered to be low-use traffic areas. Examples include most residential parking, and employee-only parking areas for small office parks or other commercial buildings. Urban roads are located within designated Urban Growth Management Areas; rural roads are located outside designated Urban Growth Management Areas. Freeways, defined as fully controlled and partially controlled limited access highways, may be located either inside or outside of Urban Growth Management Areas.

“Low Density Residential Land Use” means, for the purpose of permit section S8 *Monitoring and Program Evaluation*, one unit per 1 to 5 acres.

“Low Impact Development” (LID) means a stormwater management and land development strategy applied at the parcel and subdivision scale that emphasizes conservation and use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely mimic pre-development hydrologic functions.

“Material Storage Facilities” means an uncovered area where bulk materials (liquid, solid, granular, etc.) are stored in piles, barrels, tanks, bins, crates, or other means.

“Maximum Extent Practicable” refers to paragraph 402(p)(3)(B)(iii) of the federal Clean Water Act, which reads as follows “Permits for discharges from municipal storm sewers shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques, and system, design, and engineering methods, and other such provisions as the Administrator or the State determines appropriate for the control of such pollutants.”

“MEP” means Maximum Extent Practicable.

“Moderate ADT Roadways and Parking Areas” are urban roads with ADT between 7,500 and 30,000 vehicles per day; rural roads and freeways with ADT between 15,000 and 30,000 vehicles per day; and parking areas with between 40 and 100 trip ends per 1,000 SF of gross building area or between 100 and 300 total trip ends per day are considered to be moderate-use traffic areas. Examples include visitor parking for small to medium commercial buildings with a limited number of daily customers. Urban roads are located within designated Urban Growth Management Areas; rural roads are located outside designated Urban Growth Management Areas. Freeways, defined as fully controlled and partially controlled limited access highways, may be located either inside or outside of Urban Growth Management Areas.

“Moderate-Use Sites” include moderate ADT roadways and parking areas (see definition above); primary access points for high-density residential apartments; most intersections controlled by traffic signals; and transit center bus stops. These sites are expected to generate sufficient concentrations of metals that additional runoff treatment is needed to protect water quality in non-exempt surface waters.

“MS4” means Municipal Separate Storm Sewer System.

“MTRs” means Minimum Technical Requirements.

“Municipal Separate Storm Sewer” means a conveyance, or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains): (i) owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State Law) having jurisdiction over disposal of wastes, storm water, or other wastes, including special districts under State Law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States; (ii) designed or used for collecting or conveying stormwater; (iii) which is not a combined sewer; and (iv) which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

“National Pollutant Discharge Elimination System” means the national program for issuing, modifying, revoking, and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the Federal Clean Water Act, for the discharge of pollutants to surface waters of the state from point sources. These permits are referred to as NPDES permits and, in Washington State, are administered by the Washington State Department of Ecology.

“New development” is the conversion of previously undeveloped or pervious surfaces to impervious surfaces and managed landscape areas not specifically exempt in the “Exemptions” or “Partial Exemptions” sections of Appendix 1. Projects that add new lanes on an existing roadway or otherwise expand the pavement edge are included in the definition of new development because they create new impervious surfaces; these projects are subject to the thresholds and requirements for new development as set forth in Appendix 1.

“NOI” means Notice of Intent.

“Non-Pollutant Generating Impervious Surfaces” (NPGIS) are considered to be insignificant sources of pollutants in stormwater runoff. Roofs that are subject only to atmospheric deposition or normal heating, ventilation, and air conditioning vents are considered NPGIS, unless the roofing material is uncoated metal. The following may also be considered NPGIS: paved bicycle pathways and pedestrian sidewalks that are separated from and not subject to drainage from roads for motor vehicles, fenced fire lanes, infrequently used maintenance access roads, and “in-slope” areas of roads. Sidewalks that are regularly treated with sand, salt or other de-icing/anti-icing agents are not considered NPGIS.

“Notice of Intent” means an application or request for coverage under a General NPDES Permit pursuant to WAC 173-226-200.

“NPDES” means National Pollutant Discharge Elimination System.

“NPGIS” means Non-Pollutant Generating Impervious Surfaces.

“Outfall” means point source as defined by 40 CFR 122.2 at the point where a municipal separate storm sewer discharges to waters of the State and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels, or other conveyances which connect segments of the same stream or other waters of the State and are used to convey waters of the State.

“Permittee” means any Primary Permittee, Co-Permittee, or Secondary Permittee unless specifically stated otherwise for a particular section of this permit.

“PGIS” means Pollutant Generating Impervious Surfaces.

“Physically interconnected” means that one municipal separate storm sewer is connected to a second municipal separate storm sewer in such a way that it allows for direct discharges to the second system. For example, the roads with drainage systems and municipal streets of one entity are physically connected directly to a municipal separate storm sewer belonging to another entity.

“Pollutant Generating Impervious Surfaces” (PGIS) are surfaces that are considered to be significant sources of pollutants in stormwater runoff. Such surfaces include those that are subject to vehicular use, industrial activities, or storage of erodible or leachable materials that receive direct rainfall or run-on or blow-in of rainfall. Metal roofs are considered to be PGIS unless coated with an inert, non-leachable material. Roofs that are subject to venting of indoor pollutants from manufacturing, commercial or other operations or processes are also considered PGIS. A surface, whether paved or not, will be considered PGIS if it is regularly used by motor vehicles. The following are considered regularly-used surfaces: roads, unvegetated road shoulders, bike lanes within the traveled lane of a roadway, driveways, parking lots, unfenced fire lanes, vehicular equipment storage yards, and airport runways.

“Primary Permittee” means a City, Town or County owning or operating a regulated small MS4.

“Process wastewater” means any water which, during manufacture or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by product, or waste product.

“Proposed development conditions” are the impervious surfaces, drainage systems, land cover, native vegetation and soils that are proposed to exist at the site at the completion of the project (complete build-out). Also called “post-developed conditions.”

“Qualified Personnel” means staff members or contractors who have had professional training in the aspects of stormwater management for which they are responsible and are under the functional control of the Permittee.

“RCW” means the Revised Code of Washington State.

“Redevelopment” is the replacement or improvement of impervious surfaces on a developed site. The project proponent shall identify what Core Elements in Appendix 1 apply to all of the new and replaced impervious surfaces created by the project. All new impervious surfaces added during a redevelopment project are subject to the Core Elements in Appendix 1. The requirements for redevelopment projects set forth in the Core Elements in Appendix 1 apply to the impervious surfaces altered or replaced by a redevelopment project. Impervious surface replacements defined as exempt activities in the “Exemptions” section of Appendix 1 and at other projects identified in the “Partial Exemptions” section of Appendix 1 have reduced requirements.

“Regulated Small Municipal Separate Storm Sewer System” means a MS4 which is automatically designated for inclusion in the Phase II stormwater permitting program by its location within an Urbanized Area, or by designation by Ecology.

“Regulatory Threshold” refers to the one-acre size, including the exception noted below, of new development and redevelopment projects that shall be regulated under this permit. The threshold includes construction site activities and new development and redevelopment projects that result in a land disturbance of equal to or greater than one acre and construction activities and projects less than one acre that are part of a larger common plan of development or sale. This threshold is a minimum requirement that may be exceeded by a local jurisdiction.

“Replaced impervious surfaces” means, for structures, the removal and replacement of any exterior impervious surfaces or foundation; or, for other impervious surfaces, the removal down to bare soil, or base course, and replacement. Exemptions and partial exemptions are defined in Appendix 1 of this permit.

“Runoff” is water that travels across the land surface, or laterally through the ground near the land surface, and discharges to water bodies either directly or through a collection and conveyance system. Runoff includes stormwater and water from other sources that travels across the land surface. See also “Stormwater.”

“Rural roads” are roads located outside designated Urban Growth Management Areas.

“Secondary Permittee” is an operator of regulated small MS4 that is not a City, Town or County. Secondary Permittees include special purpose districts and other MS4s that meet the criteria for a regulated small MS4 in S1.B.

“Short Duration Storm” means the 3-hour duration design storm distribution, described in Chapter 4.2.1 of the *Stormwater Management Manual for Eastern Washington* (2004), which represents the short durations, high intensities, and smaller volumes that characterize summer thunderstorms in eastern Washington.

“Significant contributor” means a discharge contributes a loading of pollutants considered to be sufficient to cause or exacerbate the deterioration of receiving water quality or instream habitat conditions.

“Small Municipal Separate Storm Sewer System” or “Small MS4” is a conveyance or system of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, and/or storm drains which:

- a. Is owned or operated by a city; town; county; or district, association or other public body created pursuant to State law having jurisdiction over disposal of stormwater, sewage, industrial wastes, or other wastes, including special districts such as a sewer districts, flood control districts or drainage districts, or similar entities;
- b. Is designed or used for collecting or conveying stormwater;
- c. Is not a combined sewer system;
- d. Is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2; and
- e. Is not defined as a “large” or “medium” MS4 pursuant to 40 CFR 122.26(b)(4) (7) or designated under 40 CFR 122.26 (a)(1)(v).

Small MS4s include systems similar to separate storm sewer systems in municipalities such as: universities, prison complexes, and highways and other thoroughfares. Storm sewer systems in very discrete areas such as individual buildings do not require coverage under this permit. Small MS4s do not include storm drain systems operated by non-governmental entities such as: individuals, private schools, private colleges, private universities, and industrial and commercial entities.



“Stormwater” means runoff during and following precipitation and snowmelt events, including surface runoff, drainage and interflow.

“Stormwater Associated with Industrial and Construction Activity” means the discharge from any conveyance used for collecting and conveying stormwater directly related to manufacturing, processing or raw materials storage areas at an industrial plant, or associated with clearing, grading and/or excavation, and required to have an NPDES permit in accordance with 40 CFR 122.26.

“Stormwater Management Manual for Eastern Washington” means the technical manual (Publication No. 04-10-076) published by the Department of Ecology in September 2004.

“Stormwater Management Program” means a set of actions and activities designed to reduce the discharge of pollutants from the regulated small MS4 to the maximum extent practicable and to protect water quality, and comprising the components listed in S5 or S6 of this permit and any additional actions necessary to meet the requirements of applicable TMDLs.

“SWMMEW” means the *Stormwater Management Manual for Eastern Washington* (2004).

“SWMP” means Stormwater Management Program.

“TMDL” means Total Maximum Daily Load.

“TMDL waste load allocation” means the allowable load of a single pollutant from a single contributing point source.

“Total Maximum Daily Load” means a water cleanup plan. A TMDL is a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards, and an allocation of that amount to the pollutant’s sources. A TMDL is the sum of the allowable loads of a single pollutant from all contributing point and nonpoint sources. The calculation shall include a margin of safety to ensure that the water body can be used for the purposes the state has designated. The calculation shall also account for seasonable variation in water quality. Water quality standards are set by states, territories, and tribes. They identify the uses for each water body, for example, drinking water supply, contact recreation (swimming), and aquatic life support (fishing), and the scientific criteria to support that use. The Clean Water Act, section 303, establishes the water quality standards and TMDL programs.

“Trip Ends” means the expected number of vehicles using a parking area. Projected trip end counts for a parking area are associated with the proposed land use. Trip end counts shall be estimated using “Trip Generation” published by the Institute of Transportation Engineers or from a traffic study prepared by a professional engineer or transportation specialist with expertise in traffic volume estimation. Trip end counts shall be made for the design year or expected life of the project (the intent is for treatment facilities to be added in the soonest period of disruptive construction). For project sites with seasonal or varied use, evaluate the highest period of expected traffic impacts.

“UA” means Urbanized Area.



“Urban Growth Area” means the designated area within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature, as defined at Chapter 36.70A.110 RCW (Growth Management Act) Comprehensive plans, Urban growth areas.

“Urbanized Area” is a land area comprising one or more places and the adjacent densely settled surrounding area that together have a residential population of at least 50,000 and an overall population density of at least 1,000 people per square mile. For the year 2000 Census, the U.S. Census Bureau classified “urban” as all territory, population, and housing units located within an Urbanized Area (UA) or an Urban Cluster (UC). It delineated UA and UC boundaries to encompass densely settled territory, which consists of: core census block groups or blocks that have a population density of at least 1,000 people per square mile and surrounding census blocks that have an overall density of at least 500 people per square mile. In addition, under certain conditions, less densely settled territory may be part of each UA or UC. The U.S. Census Bureau announced the “Census 2000 Urbanized Areas” on May 1, 2002. More information can be found at the U.S. Census Bureau website at: [http://www.census.gov/geo/www/ua/ua\\_2k.html](http://www.census.gov/geo/www/ua/ua_2k.html).

“Urban roads” are roads located within designated Urban Growth Management Areas. Partially controlled limited access highways located inside of Urban Growth Management Areas are considered urban roads. Freeways, as defined above, are not considered urban roads for the purpose of applying the Minimum Technical Requirements in Appendix 1.

“Waters of the state” includes those waters as defined as “waters of the United States” in 40 CFR 122.2 within the geographic boundaries of Washington State and “waters of the state” as defined in Chapter 90.48 RCW which includes: lakes, rivers, ponds, streams, inland waters, underground waters, salt waters and all other surface waters and water courses within the jurisdiction of the State of Washington.

“Water quality standards” means Surface Water Quality Standards, Chapter 173-201A WAC; Ground Water Quality Standards, Chapter 173-200 WAC; and Sediment Management Standards, Chapter 173-204 WAC.

## **APPENDIX 1 – Minimum Technical Requirements for Stormwater Management at New Development and Redevelopment Sites**

Local jurisdictions are required to adapt these Minimum Technical Requirements, and/or more stringent requirements, into local ordinances or other regulatory mechanisms no later than three years after the effective date of this permit as part of their Stormwater Management Programs to control construction and post-construction stormwater runoff. Projects proposed by the local jurisdiction's own departments and agencies must comply with these requirements.

This Appendix is adapted from Chapter 2 of the *Stormwater Management Manual for Eastern Washington* (2004), including corrections and clarifications posted to the Department's website on or before February 15, 2006, and the *Construction Stormwater General Permit* issued by the Department on November 16, 2005.

### **Exemptions**

The following practices are exempted from the Minimum Technical Requirements:

#### **Forest Practices:**

Forest practices regulated under Title 222 WAC are exempt. Conversions of forest lands to other uses are not exempt.

#### **Commercial Agriculture:**

Commercial agriculture practices involving working the land for production are generally exempt. However, the construction of impervious surfaces is not exempt.

#### **Oil and Gas Field Activities or Operations:**

Construction of drilling sites, waste management pits, and access roads, as well as construction of transportation and treatment infrastructure such as pipelines natural gas treatment plants, natural gas pipeline compressor stations, and crude oil pumping stations are exempt. Operators are encouraged to implement and maintain Best Management Practices to minimize erosion and control sediment during and after construction activities to help ensure protection of surface water quality during storm events.

#### **Road and Parking Area Preservation/Maintenance:**

The following road and parking area maintenance practices are exempt (see also Partial Exemptions below):

- Pothole and square cut patching;
- Crack sealing;

- Resurfacing with in-kind material without expanding the road prism;
- Overlaying existing asphalt or concrete pavement with bituminous surface treatment (BST or “chip seal”), asphalt or concrete without expanding the area of coverage;
- Shoulder grading;
- Reshaping/regrading drainage systems; and
- Vegetation maintenance.

### **Partial Exemptions**

The following practices are generally exempted from all of the Minimum Technical Requirements except for Core Element #1 *Preparation of a Stormwater Site Plan* and Core Element #2 *Construction Stormwater Pollution Prevention*:

#### **Underground Utility Projects:**

Underground utility projects that replace the ground surface with in-kind material or materials with similar runoff characteristics are subject only to Core Element #1 *Preparation of a Stormwater Site Plan* and Core Element #2 *Construction Stormwater Pollution Prevention*.

#### **Road and Parking Area Preservation/Maintenance:**

A preservation or maintenance project is defined as preserving/protecting infrastructure by rehabilitating or replacing existing structures to maintain operational and structural integrity, and for the safe and efficient operation of the facility. Maintenance projects do not increase the traffic capacity of a roadway or parking area. The following practices are subject only to Core Element #1 *Preparation of a Stormwater Site Plan* and Core Element #2 *Construction Stormwater Pollution Prevention*:

- Removing and replacing a concrete or asphalt roadway to base course or subgrade or lower without expanding or improving the impervious surfaces.
- Repairing the roadway base or subgrade.
- Overlaying existing gravel with bituminous surface treatment (BST or “chip seal”) or asphalt or concrete without expanding the area of coverage, or overlaying BST with asphalt, without expanding the area of coverage. For this type of project, partial exemption applies only under the following conditions:
  - For roads, these practices are exempt from additional Core Elements only if the traffic surface will be subject to an average daily traffic volume of less than 7,500 on an urban road or an average daily traffic volume of less than 15,000 vehicles on a rural road, freeway, or limited access control highway. If these thresholds are exceeded, refer to the Redevelopment section above to determine which Core Elements apply.

- For parking areas, these practices are exempt from additional Core Elements only if the traffic surface will be subject to less than 40 trip ends per 1,000 square feet of building area or 100 total trip ends. If these thresholds are exceeded, refer to the Redevelopment section above to determine which Core Elements apply.

#### **Safety Improvement Projects:**

Projects to improve motorized and/or non-motorized user safety that do not enhance the traffic capacity of a roadway are subject only to Core Element #1 *Preparation of a Stormwater Site Plan* and Core Element #2 *Construction Stormwater Pollution Prevention* except as specified under sub-item (a) under conditions for applying Core Element #5 *Runoff Treatment* in the Redevelopment section above. Certain safety improvement projects such as sidewalks, bike lanes, bus pullouts and other transit improvements must be evaluated on a case-by-case basis to determine whether additional Core Elements apply. A safety project that enhances the traffic carrying capacity of a roadway is not exempt from other Core Elements. Local governments shall keep records of all projects granted exemptions to the Core Elements.

#### **Local Exceptions/Variations**

##### **Requirements:**

Exceptions to the Core Elements may be granted by the Permittee prior to project approval and construction. The Permittee may grant an exception following an application for an exception with legal public notice per the Permittee's guidance and requirements for exceptions and variances. The Permittee's decision should include a written finding of fact.

The Permittee may grant an exception to the Core Elements if such application imposes a severe and unexpected economic hardship. To determine whether the application imposes a severe and unexpected economic hardship on the project applicant, the Permittee must consider and document with written findings of fact the following:

- The current (pre-project) use of the site, and
- How the application of the minimum requirement(s) restricts the proposed use of the site compared to the restrictions that existed prior to the adoption of the minimum requirements; and
- The possible remaining uses of the site if the exception were not granted; and
- The uses of the site that would have been allowed prior to the adoption of the minimum requirements; and
- A comparison of the estimated amount and percentage of value loss as a result of the minimum requirements versus the estimated amount and percentage of value loss as a result of requirements that existed prior to adoption of the minimum requirements; and
- The feasibility for the owner to alter the project to apply the minimum requirements.

In addition any exception must meet the following criteria:

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- The exception will not increase risk to the public health and welfare, nor injurious to other properties in the vicinity and/or downstream, and to the quality of waters of the state; and
- The exception is the least possible exception that could be granted to comply with the intent of the Minimum Requirements.

If the Permittee chooses to allow jurisdiction-wide exceptions or variances to the requirements of the Manual, those exceptions must be approved by the Department. Permittees shall keep records of all local exceptions/variances to the Core Elements, pursuant to section S9 *Reporting and Record Keeping Requirements* of this Permit. Project-specific design deviations based on site-specific conditions generally do not require approval of the Department and are left to the discretion of the Permittee.

## **Core Element #1: Preparation of a Stormwater Site Plan**

### **Requirements**

All new development and redevelopment projects that meet the **regulatory threshold** and are subject to the Minimum Technical Requirements shall complete a Stormwater Site Plan (SSP) prepared in accordance with Chapter 3 of the *Stormwater Management Manual for Eastern Washington* (2004).

## **Core Element #2: Construction Stormwater Pollution Prevention**

Local jurisdictions may choose to allow compliance with this Core Element to be achieved for an individual site by obtaining coverage under the *General NPDES Permit for Stormwater Discharges Associated with Construction Activities* and fully implementing the requirements of that permit. Local jurisdictions may choose to allow site operators to apply an “Erosivity Waiver” to projects disturbing less than five acres that meet the requirements at the end of this section; such projects would be waived from the requirement that the jurisdiction review site plans for construction phase stormwater pollution prevention.

### **Requirements**

All new development and redevelopment projects are responsible for preventing erosion and discharge of sediment and other pollutants into receiving waters. Projects meeting the **regulatory threshold** and not qualifying for an Erosivity Waiver, as described at the end of this section, if allowed by the local jurisdiction, shall prepare a Stormwater Pollution Prevention Plan (SWPPP) for construction activity. The SWPPP shall be implemented beginning with initial soil disturbance and until final stabilization.

Stormwater BMPs shall be consistent with the *Stormwater Management Manual for Eastern Washington* (2004), or another technical stormwater manual approved by the Department.

Construction Stormwater Pollution Prevention Plan (SWPPP) Elements: The construction site operator shall include each of the twelve elements below in the narrative of the SWPPP and ensure that they are implemented unless site conditions render the element unnecessary and the exemption from that element is clearly justified in the SWPPP.

1. Preserve Vegetation/Mark Clearing Limits:
  - a. Prior to beginning land disturbing activities, including clearing and grading, clearly mark all clearing limits, sensitive areas and their buffers, and trees that are to be preserved within the construction area.
  - b. The duff layer, native top soil, and natural vegetation shall be retained in an undisturbed state to the maximum degree practicable.
2. Establish Construction Access:
  - a. Construction vehicle access and exit shall be limited to one route, if possible.
  - b. Access points shall be stabilized with quarry spalls, crushed rock or other equivalent BMP to minimize the tracking of sediment onto public roads.
  - c. Wheel wash or tire baths shall be located on site, if the stabilized constructions entrance is not effective in preventing sediment from being tracked onto public roads.
  - d. If sediment is tracked off site, roads shall be cleaned thoroughly at the end of each day, or more frequently during wet weather. Sediment shall be removed from roads by shoveling or pickup sweeping and shall be transported to a controlled sediment disposal area.
  - e. Street washing is allowed only after sediment is removed in accordance with 2.d, above. Street wash wastewater shall be controlled by pumping back on site or otherwise be prevented from discharging into systems tributary to waters of the state.
3. Control Flow Rates:
  - a. Properties and waterways downstream from development sites shall be protected from erosion due to increases in the velocity and peak volumetric flow rate of stormwater runoff from the project site, as required by the local jurisdiction.
  - b. Where necessary to comply with 3.a, above, stormwater retention or detention facilities shall be constructed as one of the first steps in grading. Detention facilities shall be functional prior to construction of site improvements (e.g., impervious surfaces).
  - c. If permanent infiltration ponds are used for flow control during construction, these facilities should be protected from siltation during the construction phase.
4. Install Sediment Controls:
  - a. Stormwater runoff from disturbed areas shall pass through a sediment pond, or other appropriate sediment removal BMP, prior to leaving a construction site or prior to discharge to an infiltration facility. Runoff from fully stabilized areas may be discharged without a sediment removal BMP, but shall meet the flow control performance standard of 3.a, above.

- b. Sediment control BMPs (sediment ponds, traps, filters, etc.) shall be constructed as one of the first steps in grading. These BMPs shall be functional before other land disturbing activities take place.
  - c. BMPs intended to trap sediment on site shall be located in a manner to avoid interference with the movement of juvenile salmonids attempting to enter off-channel areas or drainages.
5. Stabilize Soils:
- a. Exposed and unworked soils shall be stabilized by application of effective BMPs that prevent erosion.
  - b. No soils shall remain exposed and unworked for more than the time periods set forth below:
    - At sites with mean annual precipitation greater than or equal to 12 inches:
      - 10 days during the dry season (July 1 through September 30)
      - 5 days during the wet season (October 1 through June 30)
    - At sites with mean annual precipitation less than 12 inches:
      - 30 days during the dry season (July 1 through September 30)
      - 15 days during the wet season (October 1 through June 30)

The time period(s) may be adjusted by a local jurisdiction, if the jurisdiction can show that local precipitation data justify a different standard.
  - c. Soils shall be stabilized at the end of the shift before a holiday or weekend if needed based on the weather forecast.
  - d. Soil stockpiles must be stabilized from erosion, protected with sediment trapping measures, and where possible, be located away from storm drain inlets, waterways and drainage channels.
6. Protect Slopes:
- a. Design and construct cut and fill slopes in a manner that will minimize erosion.
  - b. Off-site stormwater (run-on) or groundwater shall be diverted away from slopes and undisturbed areas with interceptor dikes, pipes and/or swales. Off-site stormwater should be managed separately from stormwater generated on the site.
  - c. At the top of slopes, collect drainage in pipe slope drains or protected channels to prevent erosion. Temporary pipe slope drains shall handle the expected peak flow velocity from a 6-month, **short duration storm** for the developed condition.

- d. Excavated material shall be placed on the uphill side of trenches, consistent with safety and space considerations.
  - e. Check dams shall be placed at regular intervals within constructed channels that are cut down a slope.
7. Protect Drain Inlets:
- a. Storm drain inlets made operable during construction shall be protected so that stormwater runoff does not enter the conveyance system without first being filtered or treated to remove sediment.
  - b. Inlet protection devices shall be cleaned or removed and replaced when sediment has filled one-third of the available storage (unless a different standard is specified by the product manufacturer).
8. Stabilize Channels and Outlets:
- a. All temporary on-site conveyance channels shall be designed, constructed, and stabilized to prevent erosion from the following expected peak flows. Channels shall handle the expected peak flow velocity of the 6-month, **short duration storm** for the developed condition.
  - b. Stabilization, including armoring material, adequate to prevent erosion of outlets, adjacent stream banks, slopes, and downstream reaches shall be provided at the outlets of all conveyance systems.
9. Control Pollutants:
- a. All pollutants, including waste materials and demolition debris, that occur onsite shall be handled and disposed of in a manner that does not cause contamination of stormwater.
  - b. Cover, containment, and protection from vandalism shall be provided for all chemicals, liquid products, petroleum products, and other materials that have the potential to pose a threat to human health or the environment. On-site fueling tanks shall include secondary containment.
  - c. Maintenance, fueling and repair of heavy equipment and vehicles shall be conducted using spill prevention and control measures. Contaminated surfaces shall be cleaned immediately following any spill incident.
  - d. Wheel wash or tire bath wastewater shall be discharged to a separate on-site treatment system or to the sanitary sewer with local sewer district approval.
  - e. Application of fertilizers and pesticides shall be conducted in a manner and at application rates that will not result in loss of chemical to stormwater runoff. Manufacturers' label requirements for application rates and procedures shall be followed.



- f. BMPs shall be used to prevent or treat contamination of stormwater runoff by pH modifying sources. These sources include, but are not limited to: bulk cement, cement kiln dust, fly ash, new concrete washing and curing waters, waste streams generated from concrete grinding and sawing, exposed aggregate processes, dewatering concrete vaults, concrete pumping and mixer washout waters. The Permittee shall require construction site operators to adjust the pH of stormwater if necessary to prevent violations of water quality standards.
  - g. The Permittee shall require construction site operators obtain written approval from the Department prior to using chemical treatment other than CO<sub>2</sub> or dry ice to adjust pH.
10. Control De-Watering:
- a. Foundation, vault, and trench de-watering water, which have similar characteristics to stormwater runoff at the site, shall be discharged into a controlled conveyance system prior to discharge to a sediment trap or sediment pond.
  - b. Clean, non-turbid de-watering water, such as well-point ground water, can be discharged to systems tributary to, or directly into surface waters of the state, as specified above in #8 *Stabilize Channels and Outlets*, provided the de-watering flow does not cause erosion or flooding of receiving waters. Clean de-watering water should not be routed through stormwater sediment ponds.
  - c. Other de-watering disposal options may include: (i) infiltration; (ii) transport offsite in vehicle, such as a vacuum flush truck, for legal disposal in a manner that does not pollute state waters; (iii) On-site chemical treatment or other suitable treatment technologies approved by the local jurisdiction; (iv) sanitary sewer discharge with local sewer district approval, if there is no other option; or (v) use of a sedimentation bag with outfall to a ditch or swale for small volumes of localized de-watering.
  - d. Highly turbid or contaminated dewatering water shall be handled separately from stormwater.
11. Maintain BMPs:
- a. All temporary and permanent erosion and sediment control BMPs shall be maintained and repaired as needed to assure continued performance of their intended function in accordance with BMP specifications.
  - b. All temporary erosion and sediment control BMPs shall be removed within 30 days after final site stabilization is achieved or after the temporary BMPs are no longer needed.
12. Manage the Project:
- a. Development projects shall be phased to the maximum degree practicable and shall take into account seasonal work limitations.

- b. The Local Jurisdiction must require construction site operators to maintain, and repair as needed, all sediment and erosion control BMPs to assure continued performance of their intended function.
- c. The Local Jurisdiction must require construction site operators to periodically inspect their sites. Site inspections shall be conducted by a Certified Erosion and Sediment Control Lead who shall be identified in the SWPPP and shall be present on-site or on-call at all times.
- d. The Local Jurisdiction must require construction site operators to maintain, update and implement their SWPPP. Local Jurisdictions shall require construction site operators to modify their SWPPP whenever there is a change in design, construction, operation, or maintenance at the construction site that has, or could have, a significant effect on the discharge of pollutants to waters of the state.

#### ***Erosivity Waiver***

The local jurisdiction may allow construction site operators to qualify for a waiver from the requirement to submit a SWPPP for local jurisdiction review if the following conditions are met:

1. The site will result in the disturbance of less than 5 acres; and the site is not a portion of a common plan of development or sale that will disturb 5 acres or greater; and
2. The project's rainfall erosivity factor ("R" Factor) is less than 5 during the period of construction activity, as calculated using the Texas A&M University online rainfall erosivity calculator at: <http://ei.tamu.edu/>. The period of construction activity begins at initial earth disturbance and ends with final stabilization; and
3. The entire period of construction activity falls within the following timeframe(s):
  - June 15 through October 15 for sites with mean annual precipitation of 12 inches or more; or
  - No additional timeframe restrictions apply for sites with mean annual precipitation of less than 12 inches; and
4. The site or facility has not been declared a significant contributor of pollutants; and
5. There are no planned construction activities at the site that will result in non-stormwater discharges; and
6. The waiver is allowed by the local jurisdiction; and
7. The construction site operator notifies the local jurisdiction of the intention to apply this waiver at least one week prior to commencing land disturbing activities. The notification must include a summary of the project information used in calculating the project's rainfall erosivity factor (see #2 above) and a certified statement that:
  - The operator will comply with applicable local stormwater requirements; and

#### ***Appendix 1- Minimum Technical Requirements***

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- The operator will implement appropriate erosion and sediment control BMPs to prevent violations of water quality standards.

### **Core Element #3: Source Control of Pollution**

#### **Requirements**

All new development and redevelopment projects meeting the **regulatory threshold** shall apply all known, available and reasonable source control BMPs. Operational and structural source control BMPs shall be selected, designed, and maintained according to Chapter 8 of the *Stormwater Management Manual for Eastern Washington* (2004) or another technical stormwater manual approved by the Department.

### **Core Element #4: Preservation of Natural Drainage Systems**

#### **Requirements**

All new development and redevelopment projects meeting the **regulatory threshold** must preserve natural drainage systems to the extent possible at the site.

The manner by which runoff is discharged from the project site must not cause a significant adverse impact to downstream receiving waters and down-gradient properties and should be addressed as part of the off-site analysis described in Appendix 3A of the *Stormwater Management Manual for Eastern Washington* (2004).

All outfalls must address energy dissipation as necessary. A project proponent who believes that energy dissipation should not be required for a new outfall must provide justification in the project's stormwater site plan or drainage study report.

### **Core Element #5: Runoff Treatment**

#### **Requirements**

Runoff treatment is required for projects meeting the **regulatory threshold** when the technical thresholds/requirements below for Basic Treatment, Metals Treatment, Oil Treatment, or Phosphorus Treatment are met. Treatment facilities shall be selected, designed, sized, constructed, operated and maintained in accordance with this Core Element and the guidance in Chapters 4 and 5 of the *Stormwater Management Manual for Eastern Washington* (2004), or another technical stormwater manual approved by the Department.

All Permittees must require runoff treatment facilities to be sized for the applicable design storm(s) described in this section: each jurisdiction must identify a preferred method or methods for sizing treatment facilities or provide alternative guidance. All runoff treatment facilities must be sized for the entire flow that is directed to them.

When Core Element #5 *Runoff Treatment* is required, Core Element #7 *Operation and Maintenance* also is required.

### ***Basic Treatment***

Basic runoff treatment (to remove solids) is required for all **new development** projects creating 5,000 square feet or more of **pollutant-generating impervious surface** (PGIS) areas. Treatment is required for discharges to all surface waters of the state, including perennial and seasonal streams, lakes and wetlands where the PGIS threshold is met. Runoff treatment is also required for discharges of stormwater to ground where the vadose zone does not provide adequate treatment capacity (see Chapter 5.6 the *Stormwater Management Manual for Eastern Washington* (2004), or another technical stormwater manual approved by the Department).

Basic runoff treatment is required for **redevelopment** projects creating 5,000 square feet or more of **PGIS** where:

- The project takes place at an industrial site as defined by EPA (40 CFR 122.26(b)(14)) with outdoor handling, processing, storage, or transfer of solid raw materials or finished products, or
- The project takes place at a commercial site with outdoor storage or transfer of solid raw materials or treated wood products, or
- A need for additional stormwater control measures has been identified through a TMDL or other water cleanup plan or other planning process, or
- The project takes place at a **high-use site**, or
- The project takes place in an area subject to vehicular traffic under any of the following conditions:
  - The project improves a soft shoulder to a curb and gutter roadway with projected **average daily traffic** (ADT) of 7,500 or more vehicles.
  - The project replaces and/or improves the surface of a parking area where the projected number of **trip ends** exceeds 40 per 1,000 square feet of building area or 100 total trip ends per day.
  - The project replaces and/or improves the surface of an **urban road** where the projected ADT is 7,500 or more vehicles per day.
  - The project replaces and/or improves the surface of a **freeway** or **rural road** where the projected ADT is 15,000 or more vehicles per day.
  - The project affects the area within 500 feet of a controlled intersection on a limited access control highway with projected ADT of 7,500 or more vehicles per day. Only this area must be treated.

Exceptions: **Non-pollutant generating impervious surface** (NPGIS) areas are exempt from basic treatment requirements unless the runoff from these areas is not separated from the runoff generated from PGIS areas. All runoff treatment facilities must be sized for the entire flow that is directed to them.

Projects that meet the requirements for dispersal and infiltration (see Chapter 6 of the *Stormwater Management Manual for Eastern Washington* (2004), particularly BMP T5.30) and do not meet the thresholds for requiring oil treatment are exempt from basic treatment requirements. Discharges to surface water from projects with a total PGIS area <5,000 square feet are exempt from basic treatment requirements unless those areas are subject to the storage or handling of hazardous substances, materials or wastes as defined in 49 CFR 171.8, RCW 70.105.010, and/or RCW 70.136.020.

Preservation/maintenance projects and some improvement or safety enhancement projects that do not increase motorized vehicular capacities as defined in the sections “Exemptions” and “Partial Exemptions” above are exempt from Basic Treatment Requirements.

Certain exemptions may exist for Category 4 wetlands (see the section “Use of Existing Wetlands to Provide Runoff Treatment” at the end of this Core Element).

Any of these exemptions may be negated by requirements set forth in a Total Maximum Daily Load (TMDL) or other water cleanup plan.

#### ***Metals Treatment***

Metals treatment is required in addition to basic treatment for **new development projects** with **moderate-use sites**, **high-use sites**, and sites that meet any of the following definitions:

- Industrial sites as defined by EPA (40 CFR 122.26(b)(14)) with benchmark monitoring requirements for metals; or industrial sites subject to handling, storage, production, or disposal of metallic products or other materials, particularly those containing arsenic, cadmium, chromium, copper, lead, mercury, nickel or zinc.
- On-street parking areas of municipal streets in commercial and industrial areas.
- Highway rest areas.
- Runoff from metal roofs not coated with an inert, non-leachable material.

Metals treatment is required in addition to basic treatment for **redevelopment projects** with **high-use sites** or **high ADT roadways and parking areas** and for projects where:

- An additional need for stormwater control measures to remove metals has been identified through a TMDL or other water cleanup plan, or
- The project takes place at an industrial site that is subject to benchmark monitoring for metals.

Exceptions: Unless a specific water quality problem has been identified, the following discharges are exempt from metals treatment requirements:

- Discharges to non-fish-bearing streams.
- Direct discharges to the main channels of the following rivers and direct discharges to the following lakes: Banks Lake, Lake Chelan, Columbia River, Grand Ronde River, Kettle

#### ***Appendix 1- Minimum Technical Requirements***

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River, Klickitat River, Methow River, Moses Lake, Potholes Reservoir, Naches River, Okanogan River, Pend Oreille River, Similkameen River, Snake River, Wenatchee River, and Yakima River.

- Subsurface discharges, unless identified as hydraulically connected to surface waters of the State.
- Restricted residential and employee-only parking areas, unless subject to through traffic.

Preservation/maintenance projects and some improvement or safety enhancement projects that do not increase motorized vehicular capacities as defined in the sections “Exemptions” and “Partial Exemptions” above are exempt from Metals Treatment Requirements.

Certain exemptions may also apply to Category 4 wetlands (see “Use of Existing Wetlands to Provide Runoff Treatment” at the end of this section).

Any of these exemptions may be negated by requirements set forth in a Total Maximum Daily Load (TMDL) or other water cleanup plan.

#### ***Oil Treatment***

Oil treatment is required for all **high-use sites** and **high ADT roadways and parking areas at new development and redevelopment** projects. Some sites will require a spill control type of oil control facility (see Chapter 8 of the Stormwater Management Manual for Eastern Washington) for source control separately from or in addition to this treatment requirement. Oil treatment/control is required in addition to any other runoff treatment required per this Core Element.

Separator technologies for oil treatment are required only for the following high-use sites:

- High-density intersections with expected ADT of 25,000 or more vehicles on main roadway and 15,000 or more vehicles on any intersecting roadway,
- Non-employee parking areas of commercial or industrial sites with trip end counts greater than 100 vehicles per 1,000 SF gross building area,
- Areas of commercial and industrial sites subject to use, storage, or maintenance of a fleet of 25 or more vehicles that are over ten tons gross weight,
- Fueling stations and facilities, and
- Sites subject to petroleum transfer in excess of 1,500 gallons per year, not including routinely delivered heating oil.

For the following sites, a catch basin preceded by passive oil control vault, such as a chamber with a turned-down elbow, may be applied in lieu of an approved separator technology as long as they are inspected/maintained/cleaned at least once per year or more frequently as needs are identified:

- A customer or visitor parking lot with an expected trip end count equal to or greater than 300 vehicles (best professional judgment should be used in comparing this criterion with the preceding criterion); and
- Commercial on-street parking areas on streets with an expected total ADT count equal to or greater than 7,500; or

**At all other high-use sites and high ADT traffic areas subject to the oil treatment requirement**, sorptive technologies, not separators, are required. Basic treatment methods with sorptive properties, such as swales or filters, may be selected to fulfill this requirement; or catch basin inserts may be used at these sites. A catch basin preceded by passive oil control vault, such as a chamber with a turned-down elbow, may be applied at sites with ADT greater than 30,000 as long as they are inspected/maintained/cleaned at least once per year or more frequently as needs are identified.

High-use roadway intersections shall treat lanes where vehicles accumulate during the signal cycle, including left and right turn lanes and through lanes, from the beginning of the left turn pocket. If no left turn pocket exists, the treatable area shall begin at a distance equal to three car lengths from the stop line. If runoff from the intersection drains to more than two collection areas that do not combine within the intersection, treatment may be limited to any two of the collection areas where the cars stop.

High-use sites and high ADT roadways and parking areas must treat runoff from the high-use portion of the site using oil control treatment options in Chapter 5 of the *Stormwater Management Manual for Eastern Washington* prior to discharge or infiltration. For high-use sites located within a larger project area, only the impervious area associated with the high-use site is subject to oil control treatment, but the flow from that area must be separated; otherwise the treatment controls must be sized for the entire area.

Exceptions: Preservation/maintenance projects and some improvement or safety enhancement projects that do not increase motorized vehicular capacities as defined in the sections “Exemptions” and “Partial Exemptions” above are exempt from Oil Treatment Requirements.

Any of these exemptions may be negated by requirements set forth in a Total Maximum Daily Load (TMDL) or other water cleanup plan.

#### ***Phosphorus Treatment***

Requirements: Phosphorus treatment is required only where federal, state, or local government has determined that a water body is sensitive to phosphorus and that a reduction in phosphorus from new development and redevelopment is necessary to achieve the water quality standard to protect its beneficial uses. Where it is deemed necessary, a strategy shall be adopted to achieve the reduction in phosphorus.

#### ***Treatment Facility Selection***

Treatment facilities must be selected in accordance with the guidance in Chapter 5 of the *Stormwater Management Manual for Eastern Washington* (2004), or another technical



stormwater manual approved by the Department, to meet the treatment requirements identified for the project's proposed land use and site conditions.

#### ***Treatment Facility Sizing***

Each treatment BMP is sized based on a water quality design volume, or a water quality design flow rate. Permittees shall adopt criteria to provide for consistent sizing of treatment facilities. Computational methods for predicting runoff volumes and flow rates for a proposed development condition are included in Chapter 4 of the *Stormwater Management Manual for Eastern Washington* (2004). Specific design criteria for treatment facilities may be taken from Chapter 5 of the *Stormwater Management Manual for Eastern Washington* (2004) or another technical stormwater manual approved by the Department. Specifically, public road projects may be designed using BMPs in the current version of the Washington State Department of Transportation *Highway Runoff Manual* approved by the Department.

Water quality design volume: Each Permittee shall specify which of the following methods will be used to determine treatment volumes in their jurisdiction. Different methods may be specified for different types of projects. Volume-based treatment BMPs are sized the same whether located upstream or downstream from detention facilities.

- *Runoff Volume Method 1*: The volume of runoff predicted for the proposed development condition from the regional storm with a 6-month return frequency. An alternative to this method is the modified Type IA storm described in Chapter 4.2 of the *Stormwater Management Manual for Eastern Washington* (2004); this alternative method is intended for use on small projects where the designer's software does not accept storms longer than 24 hours.
- *Runoff Volume Method 2*: The volume of runoff predicted for the proposed development condition from the SCS Type IA 24-hour storm with a 6-month return frequency.
- *Runoff Volume Method 3*: In Regions 2 and 3, volume-based facilities may be sized for 0.5 inch predicted runoff produced for the proposed development condition from all impervious surface areas that contribute flow to the treatment facility. (This method may be modified for design of BMP T5.30 Bio-infiltration swale in Chapter 5 of the *Stormwater Management Manual for Eastern Washington* (2004).)
- *Runoff Volume Method 4*: The volume of runoff predicted for the proposed development condition from the SCS Type II storm with a 6-month return frequency.
- *Runoff Volume Method 5*: Another sizing approach and criteria based on peer-reviewed methods and supported by local data that meet the objective of treating at least 90% of the annual volume of runoff from the site. Snowmelt should be considered in determining the water quality design volume if this method is selected.

Water quality design flow rate: Flow-rate-based treatment BMPs are sized differently depending on whether they are located upstream or downstream from detention facilities, if detention is required. For runoff treatment facilities sited downstream of detention facilities, the design flow rate is the full 2-year release rate of the detention facility. For runoff treatment facilities



preceding detention facilities or when detention facilities are not required, each Permittee shall specify which of the following methods will be used to determine flow rates in their jurisdiction. Different methods may be specified for different types of projects. For large facilities receiving inflow from multiple sources, the flow rate generated by the regional or Type IA storm should also be checked.

- *Flow Rate Method 1:* The runoff flow rate predicted for the proposed development condition from the short-duration storm with a 6-month return frequency. Time intervals for some facilities are specified in the BMP design requirements in Chapter 5 of the *Stormwater Management Manual for Eastern Washington* (2004).
- *Flow Rate Method 2:* The runoff flow rate predicted for the proposed development condition from the SCS Type II 24-hour storm with a 6-month return frequency. Time intervals for some facilities are specified in the BMP design requirements in Chapter 5 of the *Stormwater Management Manual for Eastern Washington* (2004).
- *Flow Rate Method 3:* The runoff flow rate for the proposed development condition calculated by the Rational Method using the 2-year Mean Recurrence Interval (see Chapter 4.7 of the *Stormwater Management Manual for Eastern Washington* (2004)). This method may only be used to design facilities based on instantaneous peak flow rates.

#### ***Bypass Requirements***

A bypass must be provided for all treatment BMPs unless the facility is able to convey the 25-year short-duration storm without damaging the BMP or dislodging pollutants from within it. Extreme runoff events may produce high flow velocities through BMPs that can damage and or dislodge pollutants from within the facility. The designer must: check the maximum allowable velocity (typically less than 2 ft/s) or shear stress specified for the BMP; and implement a flow bypass as necessary to prevent exceeding these velocities. Bypass is not recommended for wet ponds, constructed wetlands, and similar volume-based treatment facilities; inlet structures for these facilities should be designed to dampen velocities; the pond dimensions will further dissipate the energy.

#### ***Use of Existing Wetlands to Provide Runoff Treatment***

Stormwater treatment facilities are not allowed within a wetland or its natural vegetated buffer except for:

- Necessary conveyance systems approved by the local government; or
- As allowed in a wetland mitigation plan; or
- When the requirements below are met.

A wetland can be considered for use in stormwater treatment if:

- The wetland meets the criteria for “Hydrologic Modification of a Wetland” in Core Element #6 Flow Control; and either

- It is a Category 4 wetland according to the *Eastern Washington Wetland Rating System*; or
- It is a Category 3 wetland according to the *Eastern Washington Wetland Rating System* and the wetland has been previously disturbed by human activity, as evidenced by agriculture, fill areas, ditches *or* the wetland is dominated by introduced or invasive weedy plant species as identified in the rating analysis.

Basic treatment is required prior to discharge to Category 3 wetlands; a Category 3 wetland that meets the above requirements may be used to meet metals treatment requirements. Oil control is required for a discharge to wetlands if the Technical Thresholds/Requirements are met.

Mitigation shall be required for the impact of using a wetland as a stormwater treatment facility. Appropriate measures include enhancement, expansion and/or preservation of a buffer around the wetland.

## **Core Element #6: Flow Control**

### **Requirements**

New development projects that meet the **regulatory threshold** and result in 10,000 square feet or more of new impervious surfaces shall construct stormwater flow control facilities for any discharge of stormwater directly, or through a conveyance system, into surface water. Redevelopment projects are not required to construct stormwater flow control facilities unless required under a basin plan or other federal, state or local requirement.

The stormwater flow control facility shall be designed to protect stream morphology and associated instream habitat from adverse impacts due to increased peak flows and flow durations following development. Flow control facilities shall be selected, designed, constructed, operated and maintained according to criteria established by the local jurisdiction.

In order to prevent localized erosion, energy dissipation at the point of discharge is required for all projects unless site-specific conditions warrant an exception.

When Core Element #6 *Flow Control* is required, Core Element #7 *Operation and Maintenance* also is required.

### **Exemptions**

Direct discharges to the following surface waters are exempt from flow control requirements to protect stream morphology:

1. Any river or stream that is:
  - Fifth order or greater as determined from a 1:24,000 scale map; or
  - Fourth order or greater as determined from a 1:100,000 or larger scale map.

The maps should be standard USGS maps or GIS data sets derived from USGS base maps.

2. Any lake or reservoir with a contributing watershed area greater than 100 square miles.

3. Reservoirs with outlet controls that are operated for varying discharges to the downstream reaches as for hydropower, flood control, irrigation, or drinking water supplies. Uncontrolled, flow-through impoundments are not exempt.
4. Streams that flow only during runoff-producing events. The runoff carried by the stream following the 2-year, Type IA rainfall event must not discharge via surface flow to a non-exempt surface water. To be exempt, the stream may carry runoff during an average annual snowmelt event but must not have a period of baseflow during a year of normal precipitation.

#### ***Hydrologic Modification of a Wetland***

A wetland receiving stormwater from a new development or redevelopment project can be considered for **hydrologic modification** if it is a Category 3 or Category 4 wetland according to the *Eastern Washington Wetland Rating System* and:

- There is good evidence that the natural hydrologic regime of the wetland can be restored by augmenting its water supply with excess stormwater runoff; or the wetland is under imminent threat exclusive of stormwater management and could receive greater protection if acquired for a stormwater management project rather than left in existing ownership; and:
- The runoff is from the same natural drainage basin; the wetland lies in the natural routing of the runoff; and the site plan allows runoff discharge at the natural location. Exceptions may be made for regional facilities planned by the local jurisdiction, but the wetland should receive water from sites in the same watershed.

Hydrologic modification shall not be allowed if the wetland is classified as Category 1 or Category 2 according to the *Eastern Washington Wetland Rating System* unless the project proponent demonstrates that preferred methods of excess stormwater disposal (*e.g.*, infiltration) are not possible at the site and that other options (*e.g.*, evaporation) would result in more damage to the wetland by limiting inflow.

Mitigation shall be required for the impact of hydrologic modification to a wetland. Appropriate measures include expansion, enhancement and/or preservation of a buffer around the wetland.

### **Core Element #7: Operation and Maintenance**

#### **Requirements**

Where structural BMPs are required, property owners shall operate and maintain the facilities in accordance with an Operation and Maintenance (O&M) plan that is prepared in accordance with the provisions in Chapters 5 and 6 of the *Stormwater Management Manual for Eastern Washington* (2004), or another technical stormwater manual approved by the Department. The O&M plan shall address all proposed stormwater facilities and BMPs, and identify the party (or parties) responsible for maintenance and operation; the O&M plan must also address the long-term funding mechanism that will support proper O&M. At private facilities, a copy of the plan shall be retained onsite or within reasonable access to the site, and shall be transferred with the

property to the new owner. For public facilities, a copy of the plan shall be retained in the appropriate department. A log of maintenance activity that indicates what actions were taken shall be kept and be available for inspection.

Cities or Counties may develop generic O&M plans, including checklists of actions and procedures for the operators, for BMPs that are commonly used in public projects; commercial and residential property developers may also develop generic O&M plans, including checklists of actions and procedures for the operators, for BMPs that are commonly used in their projects.

*Eastern Washington Phase II Municipal Stormwater Permit*

## **APPENDIX 2 – Total Maximum Daily Load (TMDL) Requirements**

### **Additional permit requirements based on established TMDLs**

This Appendix contains the list of all TMDLs in Eastern Washington that include more specific requirements than those found in the permit. Each TMDL lists the potential permittees to which these requirements apply.

**Name of TMDL:** Selah Ditch Multiparameter TMDL

**Location of Original 303 (d) Listings**  
WA-39-1110

**Area where TMDL Requirements Apply:**

Areas draining to the Selah Ditch within the jurisdiction of the Permittee and within the geographic area covered by this permit and contributing to the waterbody.

**Parameter**

Biochemical Oxygen Demand (BOD)  
Dissolved oxygen (DO)  
Fecal coliform  
Temperature

**Approval Date**

September 25, 2006

**Potential MS4 Permittees**

City of Selah

**Actions Required**

1. The City of Selah will submit to Ecology for approval a Water Quality Improvement Plan by January 1, 2010.
2. The City of Selah will complete a survey of illicit connections to the stormwater sewer system by January 1, 2011.
3. The City of Selah will remove all illicit connections to the stormwater sewer system within the city limits by January 1, 2012.

**APPENDIX 3 – Annual Report Forms for Cities, Towns  
and Counties Covered under the  
Eastern Washington Phase II Municipal  
Stormwater Permit**

*September 1, 2012 Appendix 3 – Annual Report Form for Cities, Towns and Counties*

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*Eastern Washington Phase II Municipal Stormwater Permit*

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*Eastern Washington Phase II Municipal Stormwater Permit*

**First Year Annual Report**

Two printed copies and one electronic copy of this report are due to Ecology by March 31 following the reporting period (*S9 Reporting Requirements*). The reporting period is the previous calendar year. Complete sections I through VI. Do not leave any questions blank.

**I. Permittee Information**

<i>Permittee Name</i>	<i>Permit Coverage Number</i>	
<i>Contact Name</i>	<i>Phone Number</i>	
<i>Mailing Address</i>		
<i>City</i>	<i>State</i>	<i>Zip + 4</i>
<i>Email Address</i>		

**II. Regulated Small MS4 Location**

<i>Jurisdiction</i>
<i>Entity Type</i> <input type="checkbox"/> County <input type="checkbox"/> City or Town <input type="checkbox"/> Other _____
<i>Major receiving water(s)</i>



*Eastern Washington Phase II Municipal Stormwater Permit*

**III. Relying on another Governmental Entity**

If you are relying on another governmental entity to satisfy one or more of the permit obligations, list the entity and the permit obligation they are implementing on your behalf below. ***Attach a copy of your agreement with the other entity (unless previously submitted).***

**IV. Certification**

Must be signed by the responsible official(s) of permittee or co-permittees

I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that Qualified Personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for willful violations.

Name\_\_\_\_\_Title\_\_\_\_\_Date\_\_\_\_\_

Name\_\_\_\_\_Title\_\_\_\_\_Date\_\_\_\_\_

Name\_\_\_\_\_Title\_\_\_\_\_Date\_\_\_\_\_

**V. Submittal**

If you are using this format instead of the Excel format from the Ecology website, deliver two printed and signed copies and one electronic copy (send CD ROM in MS Word format) of this report by March 31, 2008 to:

Department of Ecology  
Water Quality Program  
Municipal Stormwater Permits  
P.O. Box 47696  
Olympia, WA 98504-7696

*Eastern Washington Phase II Municipal Stormwater Permit*

**VI. Status Report For the First Year Annual Report due March 31, 2008**

Answer all the questions. If your answer is "No," then in the *Comments* field provide the reasons why, corrective steps taken and proposed, and expected dates that the deadline will be met. If the requirement does not apply to you, mark "NA" and you may explain why it does not apply to you in the *Comments* field.

- 
1. YES ☐ NO ☐ **Attached** annual written update of Permittee's Stormwater Management Program (SWMP), including applicable requirements under S5.A.3 and S9.

*Comments:*

- 
2. YES ☐ NO ☐  
NA ☐ **Attached** a copy of any annexations, incorporations or boundary changes resulting in an increase or decrease in the Permittee's geographic area of permit coverage during the reporting period, and implications for the SWMP as per S9.E.3.

*Comments:*

- 
3. YES ☐ NO ☐  
NA ☐ Have NPDES permit coverage for all applicable construction projects and industrial facilities. (S5.B.6.a.i)

*Comments:*

- 
4. YES ☐ NO ☐ Provided information to construction site operators and design professionals about training available on how to comply with the MTRs in Appendix 1 and the BMPs in the SWMMEW, or an equivalent document? (S5.B.4.d)

*Comments:*

- 
5. YES ☐ NO ☐  
NA ☐ Notified Ecology of the failure to comply with the permit terms and conditions within 30 days of becoming aware of the non-compliance? (G20.B)

*Comments:*

- 
6. YES ☐ NO ☐  
NA ☐ Notified Ecology immediately in cases where the Permittee becomes aware of a discharge from the Permittees MS4 which may cause or contribute to an imminent threat to human health or the environment? (G3 and G20.C)

*Comments:*

- 
7. YES ☐ NO ☐ Attached a summary of the status of implementation of any actions taken
-

*Eastern Washington Phase II Municipal Stormwater Permit*

NA ☐ pursuant to S4.F, and any information from an assessment and evaluation procedures collected during the reporting period. (S4.F.2.d)

*Comments:*

**Information Collection** complete sections A, B and C for the annual reporting period (S8.A, S8.B and S9)

List below either the results of information collected and analyzed during the reporting period, including monitoring data (if any) and how to contact for additional information OR summarize the results of information collected and indicate how more complete information can be obtained.

--

*Eastern Washington Phase II Municipal Stormwater Permit*

**Second Year Annual Report due March 31, 2009**

Two printed copies and one electronic copy of this report are due to Ecology by March 31, 2009 period (S9 Reporting Requirements). The reporting period is January 1, 2008 to December 31, 2008. Complete sections I through VI. Do not leave any questions blank.

**I. Permittee Information**

<i>Permittee Name</i>		<i>Permit Coverage Number</i>
<i>Contact Name</i>		<i>Phone Number</i>
<i>Mailing Address</i>		
<i>City</i>	<i>State</i>	<i>Zip + 4</i>
<i>Email Address</i>		

**II. Regulated Small MS4 Location**

<i>Jurisdiction</i>
<i>Entity Type</i> <input type="checkbox"/> County <input type="checkbox"/> City or Town <input type="checkbox"/> Other _____
<i>Major receiving water(s)</i>

*Eastern Washington Phase II Municipal Stormwater Permit*

**III. Relying on another Governmental Entity**

If you are relying on another governmental entity to satisfy one or more of the permit obligations, list the entity and the permit obligation they are implementing on your behalf below. ***Attach a copy of your agreement with the other entity (unless previously submitted).***

**IV. Certification**

Must be signed by the responsible official(s) of permittee or co-permittees

I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that Qualified Personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for willful violations.

Name\_\_\_\_\_Title\_\_\_\_\_Date\_\_\_\_\_

Name\_\_\_\_\_Title\_\_\_\_\_Date\_\_\_\_\_

Name\_\_\_\_\_Title\_\_\_\_\_Date\_\_\_\_\_

**V. Submittal**

If you are using this format instead of the Excel format from the Ecology website, deliver two printed and signed copies and one electronic copy (send CD ROM in MS Word format) of this report by March 31, 2009:

Department of Ecology  
Water Quality Program  
Municipal Stormwater Permits  
P.O. Box 47696  
Olympia, WA 98504-7696

*Eastern Washington Phase II Municipal Stormwater Permit*

**VI. Status Report For the Second Annual Report**

Answer all the questions. If your answer is "No," then in the *Comments* field provide the reasons why, corrective steps taken and proposed, and expected dates that the deadline will be met. If the requirement does not apply to you, mark "NA."

- 
1. YES ☐ NO ☐ **Attached** annual written update of Permittee's Stormwater Management Program (SWMP), including applicable requirements under S5.A.3 and S9.

*Comments:*

- 
2. YES ☐ NO ☐  
NA ☐ **Attached** a copy of any annexations, incorporations or boundary changes resulting in an increase or decrease in the Permittee's geographic area of permit coverage during the reporting period, and implications for the SWMP as per S9.E.3.

*Comments:*

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**S5.B.2 Public Involvement and Participation**

3. YES ☐ NO ☐ **Attached** description of program or policy directive to create opportunities for the public to provide input on the development, implementation and update of the SWMP, including the development and adoption of required ordinances. (S5.B.2.a and S9.E.2.c)

*Comments:*

4. YES ☐ NO ☐ Made the most current version of the SWMP available to the public. If posted on website, list address. (S5.B.2.b)

*Comments:*

---

**S5.B.4 Construction Site Stormwater Runoff Control**

5. YES ☐ NO ☐ Provided information to construction site operators about training available on how to install and maintain effective erosion and sediment controls and how to comply with the requirements of Appendix 1 and apply the BMPs in the *Stormwater Management Manual for Eastern Washington* or an equivalent document. (S5.B.4.d)

*Comments:*

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*Eastern Washington Phase II Municipal Stormwater Permit*

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**S5.B.5 Post-Construction Stormwater Management for New Development and Redevelopment**

6. YES ☐ NO ☐ Provided information to design professionals about training available how to comply with the requirements of Appendix 1 and apply the BMPs in the *Stormwater Management Manual for Eastern Washington* or an equivalent document. (S5.B.5.e)

*Comments:*

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**S5.B.6 Pollution Prevention and Good Housekeeping for Municipal Operations**

7. YES ☐ NO ☐ Have obtained NPDES permit coverage for all applicable construction  
NA ☐ projects and industrial facilities. (S5.B.6.a.i)

*Comments:*

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**General Conditions**

8. YES ☐ NO ☐ Notified Ecology of the failure to comply with the permit terms  
NA ☐ and conditions within 30 days of becoming aware of the non-compliance? (G20.B)

*Comments:*

- 
9. YES ☐ NO ☐ Notified Ecology immediately in cases where the Permittee becomes  
NA ☐ aware of a discharge from the Permittees MS4 which may cause or contribute to an imminent threat to human health or the environment? (G20.C)

*Comments:*

---

**S4 Compliance with Standards**

10. YES ☐ NO ☐ **Attached** a summary of the status of implementation of any actions taken  
NA ☐ pursuant to S4.F, and any information from an assessment and evaluation procedures collected during the reporting period. (S4.F.2.d)

*Comments:*

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*Eastern Washington Phase II Municipal Stormwater Permit*

**Information Collection (S8.B.1)**

List below either the results of information collected and analyzed during the reporting period, including monitoring data (if any) and how to contact for additional information OR summarize the results of information collected and indicate how more complete information can be obtained.



*Eastern Washington Phase II Municipal Stormwater Permit*

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*Eastern Washington Phase II Municipal Stormwater Permit*

**Third Year Annual Report due March 31, 2010**

Two printed copies and one electronic copy of this report are due to Ecology by March 31, 2010 (*S9 Reporting Requirements*). The reporting period is January 1, 2009 through December 31, 2009. Complete sections I through VI. Do not leave any questions blank.

**I. Permittee Information**

<i>Permittee Name</i>	<i>Permit Coverage Number</i>	
<i>Contact Name</i>	<i>Phone Number</i>	
<i>Mailing Address</i>		
<i>City</i>	<i>State</i>	<i>Zip + 4</i>
<i>Email Address:</i>		

**II. Regulated Small MS4 Location**

<i>Jurisdiction</i>
<i>Entity Type</i> <input type="checkbox"/> County <input type="checkbox"/> City or Town <input type="checkbox"/> Other _____
<i>Major receiving water(s)</i>

*Eastern Washington Phase II Municipal Stormwater Permit*

**III. Relying on another Governmental Entity**

If you are relying on another governmental entity to satisfy one or more of the permit obligations, list the entity and the permit obligation they are implementing on your behalf below. ***Attach a copy of your agreement with the other entity (unless previously submitted).***

**IV. Certification**

Must be signed by the responsible official(s) of permittee or co-permittees

I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that Qualified Personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for willful violations.

Name\_\_\_\_\_Title\_\_\_\_\_Date\_\_\_\_\_

Name\_\_\_\_\_Title\_\_\_\_\_Date\_\_\_\_\_

Name\_\_\_\_\_Title\_\_\_\_\_Date\_\_\_\_\_

**V. Submittal**

If you are using this format instead of the Excel format from the Ecology website, deliver two printed and signed copies and one electronic copy (send CD ROM in MS Word format) of this report by March 31, 2010 to:

Department of Ecology  
Water Quality Program  
Municipal Stormwater Permits  
P.O. Box 47696  
Olympia, WA 98504-7696

*Eastern Washington Phase II Municipal Stormwater Permit*

**VI. Status Report For the Third Annual Report**

Answer all the questions. If your answer is "No," then in the *Comments* field provide the reasons why, corrective steps taken and proposed, and expected dates that the deadline will be met. If the requirement does not apply to you, mark "NA."

- 
1. YES ☐ NO ☐ **Attached** annual written update of Permittee's Stormwater Management Program (SWMP), including applicable requirements under S5.A.3 and S9.

*Comments:*

- 
2. YES ☐ NO ☐  
NA ☐ **Attached** a copy of any annexations, incorporations or boundary changes resulting in an increase or decrease in the Permittee's geographic area of permit coverage during the reporting period, and implications for the SWMP as per S9.E.3.

*Comments:*

- 
3. YES ☐ NO ☐ Began tracking or estimating the cost of development and implementation of the SWMP. (S5.A.4.a.ii)

*Comments:*

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**S5.B.2 Public Involvement and Participation**

4. YES ☐ NO ☐ Implementing a program or policy with opportunities for the public to participate in the decision making processes involving the development, implementation and updates of the Permittee's SWMP. (S5.B.2.a)

*Comments:*

- 
5. YES ☐ NO ☐ Made the most current version of the SWMP available to the public. If posted on website, list address. (S5.B.2.b)

*Comments:*

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**S5.B.3 Illicit Discharge Detection and Elimination**

6. YES ☐ NO ☐ Adopted an ordinance or other regulatory mechanism to prohibit illicit discharges and authorize enforcement actions, including on private property. (S5.B.3.b.i through viii)

*Comments:*

- 
7. YES ☐ NO ☐ Publicized a hotline or other local telephone number for public reporting of illicit discharges, including spills. **Attach** a summary of all reports
-

*Eastern Washington Phase II Municipal Stormwater Permit*

received and follow-up actions taken during the reporting period.  
(S5.B.3.d.ii)

*Comments:*

- 
8. YES ☐ NO ☐ Provided adequate training to all staff responsible for identification, investigation, termination, cleanup and reporting of illicit discharges and illicit connections. (S5.B.3.f)

*Comments:*

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**S5.B.4 Construction Site Stormwater Control**

9. YES ☐ NO ☐ Provided information to construction site operators and design professionals about training available on how to install and maintain effective erosion and sediment controls and how to comply with the requirements in Appendix 1 and the BMPs in the *Stormwater Management Manual for Eastern Washington*, or an approved equivalent. (S5.B.4.d)

*Comments:*

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**S5.B.6. Pollution Prevention and Good Housekeeping for Municipal Operations**

10. YES ☐ NO ☐ Have NPDES permit coverage for all applicable construction projects and  
NA ☐ industrial facilities. (S5.B.6.a.i)

*Comments:*

- 
11. YES ☐ NO ☐ Notified Ecology of the failure to comply with the permit terms  
NA ☐ and conditions within 30 days of becoming aware of the non-compliance.  
(G20)

*Comments:*

---

**General Conditions**

12. YES ☐ NO ☐ Notified Ecology immediately in cases where the Permittee becomes  
NA ☐ aware of a discharge into or from the Permittees MS4 which could  
constitute a threat to human health, welfare, or the environment. (G3)

*Comments:*

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*Eastern Washington Phase II Municipal Stormwater Permit*

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13. YES ☐ NO ☐ Took appropriate action to correct or minimize discharges into or from the MS4 which could constitute a threat to human health, welfare, or the environment. (G3.A)

*Comments:*

---

**S4 Compliance with Standards**

14. YES ☐ NO ☐ Attached a summary of the status of implementation of any actions taken  
NA ☐ pursuant to S4.F, and the results of monitoring, assessment, and evaluation efforts conducted during the reporting period. (S4.F.3.d)

*Comments:*

**Information Collection (S8.B.1)**

List below either the results of information collected and analyzed during the reporting period, including monitoring data (if any) and how to contact for additional information OR summarize the results of information collected and indicate how more complete information can be obtained.

**B. SWMP Evaluation (S8.B & S9)**

You are required to assess the appropriateness of the BMPs you have selected to implement your SWMP. This evaluation is necessary to evaluate whether the MEP standard set by the permit is protective of water quality in your receiving water bodies. This assessment may be entirely qualitative. Select "N/A" if you are not yet fully implementing the entire program of BMPs for a component of the SWMP.

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1. YES ☐ NO ☐ Are the BMPs selected and implemented for Public Outreach appropriate

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*Eastern Washington Phase II Municipal Stormwater Permit*

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NA ☐ to minimize pollutants in the MS4 to the MEP? (S8.B)

*Comments:*

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2. YES ☐ NO ☐ Are the BMPs selected and implemented for Public Involvement  
NA ☐ appropriate to minimize pollutants in the MS4 to the MEP? (S8.B)

*Comments:*

---

3. YES ☐ NO ☐ Are the BMPs selected and implemented for Illicit Discharge  
NA ☐ Detection and Elimination appropriate to minimize pollutants in the MS4  
to the MEP? (S8.B)

*Comments:*

---

4. YES ☐ NO ☐ Are the BMPs selected and implemented for Construction  
NA ☐ Stormwater Pollution Prevention appropriate to minimize pollutants in the  
MS4 to the MEP?

*Comments:*

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5. YES ☐ NO ☐ Are the BMPs selected and implemented for Post-Construction  
NA ☐ Runoff Management appropriate to minimize pollutants in the MS4 to the  
MEP? (S8.B)

*Comments:*

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6. YES ☐ NO ☐ Are the BMPs selected and implemented for Good Housekeeping  
NA ☐ for Municipal Operations appropriate to minimize pollutants in the MS4 to  
the MEP? (S8.B)

*Comments:*

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*Eastern Washington Phase II Municipal Stormwater Permit*

**C. Changes in BMPs or objectives (S8.B)**

If any of the BMPs or objectives is being changed, list the old BMP and objective, the new BMP and objective, and a justification for the change below.	
1. Old BMP:	Old Objective:
2. New BMP:	New Objective:
Justification for change:	
1. Old BMP:	Old Objective:
2. New BMP:	New Objective:
Justification for change:	

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*Eastern Washington Phase II Municipal Stormwater Permit*

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*Eastern Washington Phase II Municipal Stormwater Permit*

**Fourth Year Annual Report due March 31, 2011**

Two printed copies and one electronic copy of this report are due to Ecology by March 31, 2011 (S9 Reporting Requirements). The reporting period is January 1, 2010 through December 31, 2010. Complete sections I through VI. Do not leave any questions blank.

**I. Permittee Information**

<i>Permittee Name</i>	<i>Permit Coverage Number</i>
<i>Contact Name</i>	<i>Phone Number</i>
<i>Mailing Address</i>	
<i>City</i>	<i>State</i> <i>Zip</i> 4
<i>Email Address</i>	

**II. Regulated Small MS4 Location**

<i>Jurisdiction</i>
<i>Entity Type</i> <input type="checkbox"/> County <input type="checkbox"/> City or Town <input type="checkbox"/> Other _____
<i>Major receiving water(s)</i>

*Eastern Washington Phase II Municipal Stormwater Permit*

**III. Relying on another Governmental Entity**

If you are relying on another governmental entity to satisfy one or more of the permit obligations, list the entity and the permit obligation they are implementing on your behalf below. ***Attach a copy of your agreement with the other entity (unless previously submitted).***

**IV. Certification**

Must be signed by the responsible official(s) of permittee or co-permittees

I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that Qualified Personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for willful violations.

Name \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

Name \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

Name \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

**V. Submittal**

If you are using this format instead of the Excel format from the Ecology website, deliver two printed and signed copies and one electronic copy (send CD ROM in MS Word format) of this report by March 31, 2011 to:

Department of Ecology  
Water Quality Program  
Municipal Stormwater Permits  
P.O. Box 47696  
Olympia, WA 98504-7696

*Eastern Washington Phase II Municipal Stormwater Permit*

**VI. Status Report For the Fourth Year Annual Report**

Answer all the questions. If your answer is "No," then in the *Comments* field provide the reasons why, corrective steps taken and proposed, and expected dates that the deadline will be met. If the requirement does not apply to you, mark "NA."

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**S5 Stormwater Management Program**

1. YES ☐ NO ☐ **Attached** annual written update of Permittee's Stormwater Management Program (SWMP), including applicable requirements under S5.A.3 and S9.

*Comments:*

- 
2. YES ☐ NO ☐  
NA ☐ **Attached** a copy of any annexations, incorporations or boundary changes resulting in an increase or decrease in the Permittee's geographic area of permit coverage during the reporting period, and implications for the SWMP as per S9.E.3.

*Comments:*

- 
3. YES ☐ NO ☐ Tracked or estimated the cost of development and implementation of the SWMP? (S5.A.4.a.ii)

*Comments:*

---

**S5.B.1 Public Education and Outreach**

4. YES ☐ NO ☐ Identified and characterized target audiences for public outreach efforts. **Attach** a description of the target audiences. (S5.B.1.a)

*Comments:*

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**S5.B.2 Public Involvement and Participation**

5. YES ☐ NO ☐ Implementing a program or policy with opportunities for the public to participate in the decision making processes involving the development, implementation and updates of the Permittee's SWMP. (S5.B.2.a)

*Comments:*

- 
6. YES ☐ NO ☐ Made the most current version of the SWMP available to the public. If posted on website, list address. (S5.B.2.b)

*Comments:*

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*Eastern Washington Phase II Municipal Stormwater Permit*

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**S5.B.3 Illicit Discharge Detection and Elimination**

7. YES ☐ NO ☐ Publicized a hotline or other local telephone number for public reporting of illicit discharges, including spills. **Attach** a summary of all reports received and follow-up actions taken during the reporting period. (S5.B.3.d.ii)

*Comments:*

- 
8. YES ☐ NO ☐ Completed at least one-third of the map of your MS4. **Attach** a summary of the status of the mapping and updated storm drainage infrastructure information; do not include the map. (S5.B.3.a.i)

*Comments:*

- 
9. YES ☐ NO ☐ Prioritized receiving waters for visual inspection to identify previously unknown outfalls. (S5.B.3.c)

*Comments:*

- 
10. YES ☐ NO ☐ Provided adequate training to all staff responsible for identification, investigation, termination, cleanup, and reporting of illicit discharges including spills, improper disposal, and illicit connections. (S5.B.3.c)

*Comments:*

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**S5.B.4 Construction Site Stormwater Runoff Control**

11. YES ☐ NO ☐ Provided information to construction site operators and design professionals about training available on how to comply with the requirements in Appendix 1 and the BMPs in the *Stormwater Management Manual for Eastern Washington*, or an equivalent document? (S5.B.4.d and S5.B.5.c)

*Comments:*

- 
12. YES ☐ NO ☐ Adopted an ordinance or other regulatory mechanism to require erosion and sediment controls and other construction-phase stormwater pollution controls at new development and redevelopment projects. (S5.B.4.a)

*Comments:*

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*Eastern Washington Phase II Municipal Stormwater Permit*

- 
13. YES ☐ NO ☐ If applicable, retained existing local requirements to apply stormwater  
NA ☐ controls at smaller sites. (S5.B.6.a.i)

*Comments:*

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**S5.B.5 Post-Construction Stormwater Management for New Development and Redevelopment**

14. YES ☐ NO ☐ Adopted an ordinance or other regulatory mechanism to require post-construction stormwater controls at new development and redevelopment projects. (S5.B.5.a)

*Comments:*

---

**S5.B.6 Pollution Prevention and Good Housekeeping for Municipal Operations**

15. YES ☐ NO ☐ Have NPDES permit coverage for stormwater discharges for all applicable  
NA ☐ construction projects and industrial facilities. (S5.B.6.a.i)

*Comments:*

---

**S8 Monitoring and Program Evaluation**

16. YES ☐ NO ☐ **Attached** a summary of the status of identification of sites for stormwater  
NA ☐ monitoring, if applicable. (S8.C.2.a.i)

*Comments:*

- 
17. YES ☐ NO ☐ **Attached** a summary of proposed questions for the SWMP effectiveness  
NA ☐ monitoring and status of developing the monitoring plan, if applicable.  
(S8.C.2.a.ii)

*Comments:*

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**General Conditions**

18. YES ☐ NO ☐ Notified Ecology of the failure to comply with the permit terms  
NA ☐ and conditions within 30 days of becoming aware of the non-compliance?  
(G20)

*Comments:*

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*Eastern Washington Phase II Municipal Stormwater Permit*

- 
19. YES ☐ NO ☐ Notified Ecology immediately in cases where the Permittee becomes  
NA ☐ aware of a discharge into or from the Permittees MS4 which could  
constitute a threat to human health, welfare, or the environment? (G3)

*Comments:*

- 
20. YES ☐ NO ☐ Took appropriate action to correct or minimize discharges into or from the  
MS4 which could constitute a threat to human health, welfare, or the  
environment. (G3.A)

*Comments:*

---

**S4 Compliance with Standards**

21. YES ☐ NO ☐ Attached a summary of the status of implementation of any actions taken  
NA ☐ pursuant to S4.F, and the results of any monitoring, assessment and  
evaluation efforts conducted during the reporting period. (S4.F.3.d)

*Comments:*

**A. Information Collection (S8.B.1 & S9)**

List below either the results of information collected and analyzed during the reporting period, including monitoring data (if any) and how to contact for additional information OR summarize the results of information collected and indicate how more complete information can be obtained.

**B. Evaluation of your SWMP (S8.B & S9)**

You are required to assess the appropriateness of the BMPs you have selected to implement your SWMP. This evaluation is necessary to evaluate whether the MEP standard set by the permit is

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*Eastern Washington Phase II Municipal Stormwater Permit*

protective of water quality in your receiving water bodies. This assessment may be entirely qualitative. Select "N/A" if you are not yet fully implementing the entire program of BMPs for a component of the SWMP.

- 
1. YES ☐ NO ☐ Are the BMPs selected and implemented for Public Outreach appropriate  
NA ☐ to minimize pollutants in the MS4 to the MEP? (S8.B)

*Comments:*

- 
2. YES ☐ NO ☐ Are the BMPs selected and implemented for Public Involvement  
NA ☐ appropriate to minimize pollutants in the MS4 to the MEP? (S8.B)

*Comments:*

- 
3. YES ☐ NO ☐ Are the BMPs selected and implemented for Illicit Discharge  
NA ☐ Detection and Elimination appropriate to minimize pollutants in the MS4  
to the MEP? (S8.B)

*Comments:*

- 
4. YES ☐ NO ☐ Are the BMPs selected and implemented for Construction  
NA ☐ Stormwater Pollution Prevention appropriate to minimize pollutants in the  
MS4 to the MEP?

*Comments:*

- 
5. YES ☐ NO ☐ Are the BMPs selected and implemented for Post-Construction  
NA ☐ Runoff Management appropriate to minimize pollutants in the MS4 to the  
MEP? (S8.B)

*Comments:*

- 
6. YES ☐ NO ☐ Are the BMPs selected and implemented for Good Housekeeping  
NA ☐ for Municipal Operations appropriate to minimize pollutants in the MS4 to  
the MEP? (S8.B)

*Comments:*

---



*Eastern Washington Phase II Municipal Stormwater Permit*

**C. Changes in BMPs or objectives (S8.B)**

If any of the BMPs or objectives is being changed, list the old BMP and objective, the new BMP and objective, and a justification for the change below.	
1. Old BMP:	Old Objective:
2. New BMP:	New Objective:
Justification for change:	
1. Old BMP:	Old Objective:
2. New BMP:	New Objective:
Justification for change:	

*Eastern Washington Phase II Municipal Stormwater Permit*

**Fifth Year Annual Report due March 31, 2012**

Two printed copies and one electronic copy of this report are due to Ecology by March 31, 2012 (S9 Reporting Requirements). The reporting period is January 1, 2011 through December 31, 2011. Complete sections I through VI. Do not leave any questions blank.

**I. Permittee Information**

<i>Permittee Name</i>	<i>Permit Coverage Number</i>	
<i>Contact Name</i>	<i>Phone Number</i>	
<i>Mailing Address</i>		
<i>City</i>	<i>State</i>	<i>Zip + 4</i>
<i>Email Address</i>		

**II. Regulated Small MS4 Location**

<i>Jurisdiction</i>
<i>Entity Type</i> <input type="checkbox"/> County <input type="checkbox"/> City or Town <input type="checkbox"/> Other _____
<i>Major receiving water(s)</i>

*Eastern Washington Phase II Municipal Stormwater Permit*

**III. Relying on another Governmental Entity**

If you are relying on another governmental entity to satisfy one or more of the permit obligations, list the entity and the permit obligation they are implementing on your behalf below. ***Attach a copy of your agreement with the other entity (unless previously submitted).***

**IV. Certification**

Must be signed by the responsible official(s) of permittee or co-permittees

I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that Qualified Personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for willful violations.

Name \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

Name \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

Name \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

**V. Submittal**

Deliver two printed and signed copies and one electronic copy (email the report in the Excel format from Ecology's website or send on CD ROM in MS Word format or PDF, on CD ROM of this report by March 31, 2012 to:

Department of Ecology  
Water Quality Program  
Municipal Stormwater Permits  
P.O. Box 47696  
Olympia, WA 98504-7696

*Eastern Washington Phase II Municipal Stormwater Permit*

**VI. Status Report For the Fifth Year Annual Report**

Answer all the questions. If your answer is "No," then in the *Comments* field provide the reasons why, corrective steps taken and proposed, and expected dates that the deadline will be met. If the requirement does not apply to you, mark "NA."

- 
1. YES ☐ NO ☐ **Attached** annual written update of Permittee's Stormwater Management Program (SWMP), including applicable requirements under S5.A.3 and S9.

*Comments:*

- 
2. YES ☐ NO ☐  
NA ☐ **Attached** a copy of any annexations, incorporations or boundary changes resulting in an increase or decrease in the Permittee's geographic area of permit coverage during the reporting period, and implications for the SWMP as per S9.E.3.

*Comments:*

- 
3. YES ☐ NO ☐ Tracked or estimated the cost of development and implementation of the SWMP? (S5.A.4.a.ii)

*Comments:*

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**S5.B.1 Public Education and Outreach**

4. YES ☐ NO ☐ Developed and fully implemented a public education and outreach strategy designed to reach all of the identified target audiences. **Attach** a description of the number and type of public education and involvement activities. (S5.B.1.b)

*Comments:*

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**S5.B.2 Public Involvement and Participation**

5. YES ☐ NO ☐ Implementing a program or policy with opportunities for the public to participate in the decision making processes involving the development, implementation and updates of the Permittee's SWMP. (S5.B.2.a)

*Comments:*

- 
6. YES ☐ NO ☐ Made the most current version of the SWMP available to the public. If posted on website, list address. (S5.B.2.b)

*Comments:*

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*Eastern Washington Phase II Municipal Stormwater Permit*

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**S5.B.3 Illicit Discharge Detection and Elimination**

7. YES ☐ NO ☐ Completed at least two-thirds of the map of your MS4. **Attach** a summary of the status of the mapping and updated storm drainage infrastructure information; do not include the map. (S5.B.3.a)

*Comments:*

- 
8. YES ☐ NO ☐ Developed and fully implemented an ongoing program to detect and address non-stormwater discharges to the MS4, including spills and illicit connections. (S5.B.3.c.i through iv)

*Comments:*

- 
9. YES ☐ NO ☐ Field assessed at least three high priority water bodies to verify outfall locations and detect illicit discharges. **Attach** a summary of unknown outfalls and illicit discharges discovered, and actions taken to eliminate the illicit discharges. (S5.B.3.c.ii)

*Comments:*

- 
10. YES ☐ NO ☐ Distributed appropriate information to target audiences to inform public employees, businesses, and the general public of hazards associated with illicit discharges. (S5.B.3.d.i)

*Comments:*

- 
11. YES ☐ NO ☐ Publicized a hotline or other local telephone number for public reporting of spills and other illicit discharges? **Attach** a summary of all reports received and follow-up actions taken during the reporting period. (S5.B.3.d.ii)

*Comments:*

- 
12. YES ☐ NO ☐ Provided adequate training to all staff responsible for identification, investigation, termination, cleanup, and reporting of illicit discharges, including spills, and illicit connections. (S5.B.3.f)

*Comments:*

- 
13. YES ☐ NO ☐ Provided training to all municipal field staff that as part of their normal job responsibilities might come into contact with or otherwise observe an
-

*Eastern Washington Phase II Municipal Stormwater Permit*

illicit discharge or illicit connection to the MS4, including office personnel who might receive reports of illicit discharges. (S5.B.3.g)

*Comments:*

- 
14. YES ☐ NO ☐ Adopted and implemented procedures for IDDE program evaluation and assessment. **Attach** summary of numbers and types of illicit discharges identified; inspections made; and any feedback received from public education efforts. (S5.B.3.e)

*Comments:*

---

**S5.B.4 Construction Site Stormwater Runoff Control**

15. YES ☐ NO ☐ Adopted and implemented procedures for construction site plan review. (S5.B.4.b)

*Comments:*

- 
16. YES ☐ NO ☐ Reviewed *Stormwater Site Plans*, including construction SWPPPs for new development and redevelopment projects.  
Number of site plans reviewed during the reporting period: \_\_\_\_  
Number of SWPPPs reviewed during the reporting period: \_\_\_\_  
Number of site plans approved during the reporting period: \_\_\_\_  
(S5.B.4.b)

*Comments:*

- 
17. YES ☐ NO ☐ Adopted and implemented procedures for site inspection and enforcement of construction stormwater pollution control measures. (S5.B.4.c)

*Comments:*

- 
18. YES ☐ NO ☐ Provided adequate training for all staff involved in permitting, plan review, field inspection and enforcement for construction site runoff control. (S5.B.4.b.i and S5B.4.c.ii)

*Comments:*

- 
19. YES ☐ NO ☐ Inspected construction-phase stormwater controls at new development and redevelopment projects.  
Number of sites inspected during the reporting period: \_\_\_\_  
Number of enforcement actions taken during the reporting period: \_\_\_\_  
(S5.B.4.c)
-

*Eastern Washington Phase II Municipal Stormwater Permit*

*Comments:*

- 
20. YES ☐ NO ☐ Provided information to construction site operators and design professionals about training available on how to comply with the requirements in Appendix 1 and the BMPs in the SWMMEW, or an equivalent document. (S5.B.4.d and S5.B.5.e)

*Comments:*

---

**S5.B.5 Post-construction Stormwater management for New Development and Redevelopment**

21. YES ☐ NO ☐ Adopted and implemented procedures for post-construction site plan review. (S5.B.5.b)

*Comments:*

- 
22. YES ☐ NO ☐ Adopted and implemented procedures for post-construction site inspection and enforcement of post-construction stormwater control measures. (S5.B.5.c)

*Comments:*

- 
23. YES ☐ NO ☐ Inspected post-construction stormwater controls, including structural BMPs, at new development and redevelopment projects.  
Number of sites inspected during the reporting period: \_\_\_\_  
Number of structural BMPs inspected during the reporting period: \_\_\_\_  
Number of enforcement actions taken during the reporting period: \_\_\_\_  
(S5.B.5.c)

*Comments:*

- 
24. YES ☐ NO ☐ Inspected structural BMPs at least once during installation.  
Number of BMPs inspected during the reporting period: \_\_\_\_  
(S5.B.5.c.ii)

*Comments:*

- 
25. YES ☐ NO ☐ Provided adequate training for all staff involved in permitting, planning, review, inspection and enforcement for post-construction stormwater control. (S5.B.5.d)

*Comments:*

---

*Eastern Washington Phase II Municipal Stormwater Permit*

---

**S5.B.6 Pollution Prevention and Good Housekeeping for Municipal Operations**

26. YES ☐ NO ☐ Developed and fully implemented the Operation and Maintenance plan for municipal operations. (S5.B.6.a)

*Comments:*

---

27. YES ☐ NO ☐ Inspected stormwater treatment and flow control facilities owned or operated by the Permittee at least once.  
Number of known facilities: \_\_\_\_\_  
Number of facilities inspected during the reporting period: \_\_\_\_\_  
(S5.B.6.a.ii)

*Comments:*

---

28. YES ☐ NO ☐ Have NPDES permit coverage for all applicable construction projects and  
NA ☐ industrial facilities. (S5.B.6.a.i)

*Comments:*

---

29. YES ☐ NO ☐ Conducted spot checks of stormwater facilities after major storms.  
(S5.B.6.a.ii)

*Comments:*

---

30. YES ☐ NO ☐ Provided adequate training for staff with primary construction, operations, or maintenance job functions that are likely to impact stormwater quality.  
(S5.B.6.b)

*Comments:*

**S8 Monitoring**

31. YES ☐ NO ☐ **Attached** information identifying the BMP(s) selected for runoff  
NA ☐ treatment BMP effectiveness, and describes the status of identification of sites, if applicable. (S8.C.2.a.iii)

*Comments:*

---

**General Conditions**

32. YES ☐ NO ☐ Notified Ecology of the failure to comply with the permit terms  
NA ☐ and conditions within 30 days of becoming aware of the non-compliance.  
(G20)

*Comments:*

---



*Eastern Washington Phase II Municipal Stormwater Permit*

**33. YES** ☐ **NO** ☐ Notified Ecology immediately in cases where the Permittee becomes  
**NA** ☐ aware of a discharge into or from the Permittees MS4 which could  
constitute a threat to human health, welfare, or the environment. (G3)

*Comments:*

34. YES ☐ NO ☐ Took appropriate action to correct or minimize discharges into or from the MS4 which could constitute a threat to human health, welfare, or the environment. (G3.A)

*Comments:*

#### S4 Compliance with Standards

35. YES ☐ NO ☐ Attached a summary of the status of implementation of any actions taken  
NA ☐ pursuant to S4.F, and the results of any monitoring, assessment and  
evaluation efforts conducted during the reporting period. (S4.F.3.d)

*Comments:*

### A. Information Collection (S8.B.1)

List below either the results of information collected and analyzed during the reporting period, including monitoring data (if any) and how to contact for additional information OR summarize the results of information collected and indicate how more complete information can be obtained.

*Eastern Washington Phase II Municipal Stormwater Permit*

**B. Evaluation of your SWMP (S8.B & S9)**

You are required to assess the appropriateness of the BMPs you have selected to implement your SWMP. This evaluation is necessary to evaluate whether the MEP standard set by the permit is protective of water quality in your receiving water bodies. This assessment may be entirely qualitative. Select "N/A" if you are not yet fully implementing the entire program of BMPs for a component of the SWMP.

---

1. YES ☐ NO ☐ Are the BMPs selected and implemented for Public Outreach appropriate  
NA ☐ to minimize pollutants in the MS4 to the MEP? (S8.B)

*Comments:*

---

2. YES ☐ NO ☐ Are the BMPs selected and implemented for Public Involvement  
NA ☐ appropriate to minimize pollutants in the MS4 to the MEP? (S8.B)

*Comments:*

---

3. YES ☐ NO ☐ Are the BMPs selected and implemented for Illicit Discharge  
NA ☐ Detection and Elimination appropriate to minimize pollutants in the MS4  
to the MEP? (S8.B)

*Comments:*

---

4. YES ☐ NO ☐ Are the BMPs selected and implemented for Construction  
NA ☐ Stormwater Pollution Prevention appropriate to minimize pollutants in the  
MS4 to the MEP?

*Comments:*

---

5. YES ☐ NO ☐ Are the BMPs selected and implemented for Post-Construction  
NA ☐ Runoff Management appropriate to minimize pollutants in the MS4 to the  
MEP? (S8.B)

*Comments:*

---

6. YES ☐ NO ☐ Are the BMPs selected and implemented for Good Housekeeping  
NA ☐ for Municipal Operations appropriate to minimize pollutants in the MS4 to  
the MEP? (S8.B)

*Comments:*

---

*Eastern Washington Phase II Municipal Stormwater Permit*

**C. Changes in BMPs or objectives (S8.B)**

If any of the BMPs or objectives is being changed, list the old BMP and objective, the new BMP and objective, and a justification for the change below.	
1. Old BMP:	Old Objective:
2. New BMP:	New Objective:
Justification for change:	
1. Old BMP:	Old Objective:
2. New BMP:	New Objective:
Justification for change:	

## **APPENDIX 4 – Annual Report Form for Secondary Permittees**

*Eastern Washington Phase II Municipal Stormwater Permit*

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*Eastern Washington Phase II Municipal Stormwater Permit*

**Annual Report for Calendar Year \_\_\_\_\_**

Two printed copies and one electronic copy of this report are due to Ecology by March 31 following the reporting period (S9 *Reporting Requirements*). The reporting period is the previous calendar year. Complete sections I through VI. Do not leave any questions blank.

**I. Permittee Information**

<i>Permittee Name</i>		<i>Permit Coverage Number</i>
<i>Contact Name</i>		<i>Phone Number</i>
<i>Mailing Address</i>		
<i>City</i>	<i>State</i>	<i>Zip + 4</i>
<i>Email Address:</i>		

**II. Regulated Small MS4 Location**

<i>Jurisdiction</i>
<i>Entity Type:</i> <input type="checkbox"/> Port <input type="checkbox"/> Diking/drainage district <input type="checkbox"/> Flood control district <input type="checkbox"/> College/University <input type="checkbox"/> Public school district <input type="checkbox"/> Park district <input type="checkbox"/> State agency _____ <input type="checkbox"/> Other _____
<i>Major receiving water(s):</i>

*Eastern Washington Phase II Municipal Stormwater Permit*

**III. Relying on another Governmental Entity**

If you are relying on another governmental entity to satisfy one or more of the permit obligations, list the entity and the permit obligation they are implementing on your behalf below. *Attach a copy of your agreement with the other entity (unless previously submitted).*

**IV. Certification**

Must be signed by the responsible official(s) of permittee

I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that Qualified Personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for willful violations.

Name \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

Name \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

Name \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

**V. Submittal**

Deliver two printed and signed copies and one electronic copy (e-mail the report in Excel format from Ecology website or send CD ROM in MS Word format or PDF) of this report by March 31 to:

Department of Ecology  
Water Quality Program  
Municipal Stormwater Permits

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*Eastern Washington Phase II Municipal Stormwater Permit*

P.O. Box 47696  
Olympia, WA 98504-7696

**VI. Status Report Covering Calendar Year \_\_\_\_\_**

Answer all the questions. If a requirement is not yet due based on your permit coverage date, answer "No" and note in *Comments* that the requirement is not yet due. The deadlines for specific requirements may vary from those shown as established by Ecology for individual permittees. For questions that allow for a NA (not applicable) answer, if the requirement does not apply to you, answer "NA." Please label any attachments with corresponding question numbers.

---

**S6.D Stormwater Management Program**

1. YES ☐ NO ☐ **Attached** a copy of the Permittee's Stormwater Management Program (SWMP) as per S6.A.5 (*Required* annually).

*Comments:*

- 
2. YES ☐ NO ☐  
NA ☐ **Attached** a notification of any jurisdictional boundary changes resulting in an increase or decrease in the Permittee's geographic area of coverage during the reporting period, and implications for the SWMP. (*Required annually, S9.F.2*)

*Comments:*

---

**S6.D.1 Public Education and Outreach**

3. YES ☐ NO ☐ Labeled at least 50% of all storm drain inlets owned or operated by the Permittee that are located in maintenance yards, in parking lots, along sidewalks, and at pedestrian access points? (*Required by 3 years from permit coverage date, S6.D.1.a*)  
Number of inlets labeled: \_\_\_\_\_

*Comments:*

- 
4. YES ☐ NO ☐  
NA ☐ (Public ports, colleges, and universities) Distributed educational information to tenants and residents about the impact of stormwater discharges on receiving waters and steps that can be taken to reduce pollutants in stormwater runoff? (*Required by 3 years from permit coverage date, S6.D.1.b*)

*Comments:*

- 
5. YES ☐ NO ☐ Labeled all storm drain inlets owned or operated by the Permittee that are located in maintenance yards, in parking lots, along sidewalks, and at
-



*Eastern Washington Phase II Municipal Stormwater Permit*

pedestrian access points. (*Required by August 15, 2011 or date established by Ecology, S6.D.1.a.ii*)  
Number of inlets labeled: \_\_\_\_\_

*Comments:*

- 
6. YES ☐ NO ☐ Re-labeled all storm drain inlets with labels when no longer clearly visible and/or easily readable within 90 days. (*Required after deadline for S6.D.1.a.iii*)  
Number of inlets labeled: \_\_\_\_\_

*Comments:*

---

**S6.D2 Public Involvement and Participation**

7. YES ☐ NO ☐ Published a public notice or posted SWMP on website and solicited public review of the SWMP. (*Required by August 15, 2011 or date established by Ecology, S6.D.2.a*)

*Comments:*

- 
8. YES ☐ NO ☐ Made the latest version of the SWMP available to the public. If posted on website, list address. (*Required by August 15, 2011 or date established by Ecology, S5.D.2.b*)

*Comments:*

---

**S6.D.3 Illicit Discharge Detection and Elimination**

9. YES ☐ NO ☐ Complied with all relevant ordinances, rules, and regulations of the local jurisdiction(s) that govern non-stormwater discharges. (*Required after permit coverage date, S6.D.3.a*)

*Comments:*

- 
10. YES ☐ NO ☐ Developed and adopted policies to prohibit illicit discharges and identified enforcement mechanisms. (*Required by 1 year from permit coverage date, S6.D.3.b*)

*Comments:*

- 
11. YES ☐ NO ☐ Implemented policies to prohibit illicit discharges, including an enforcement plan. (*Required 1 year from permit coverage date, S6.D.3.b*)
-

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*Comments:*

- 
12. YES ☐ NO ☐ Developed a map of the storm sewer system showing all known storm drain outfalls, receiving waters, and areas contributing runoff to each outfall. Made map available on request to Ecology or others, if requested. (Required by August 15, 2011 or date established by Ecology, S6.D.3.c)

*Comments:*

- 
13. YES ☐ NO ☐ Conducted field inspections and visually inspected for illicit discharges at approximately one third of all known outfalls. (Required to begin by 2 years from permit coverage date, S6.D.3.d)  
Number of outfalls inspected: \_\_\_\_\_

*Comments:*

- 
14. YES ☐ NO ☐ Developed and implemented procedures to identify and remove illicit discharges. (Required by 2 years from permit coverage date, S6.D.3.d)

*Comments:*

- 
15. YES ☐ NO ☐ **Attached** summary of illicit discharges discovered and actions taken to eliminate the discharges. (Required annually, S9)

*Comments:*

- 
16. YES ☐ NO ☐ Developed and implementing a spill response plan that includes coordination with a qualified spill responder. (Required by August 15, 2011 or date established by Ecology, S6.D.3.c)

*Comments:*

- 
17. YES ☐ NO ☐ Provided staff training or coordinated with existing training to educate relevant staff on proper BMPs for preventing illicit discharges, including spills. (Required by 2 years from permit coverage date, S6.D.3.f)

*Comments:*

---

*Eastern Washington Phase II Municipal Stormwater Permit*

---

**S6.D.4 Construction Site Stormwater Control**

18. YES ☐ NO ☐  
NA ☐ Complied with all relevant ordinances, rules, and regulations of the local jurisdiction(s) that govern construction phase stormwater pollution prevention measures, if applicable. *(Required after permit coverage date, S6.D.4.a)*

*Comments:*

- 
19. YES ☐ NO ☐  
NA ☐ Obtained NPDES permit coverage for all applicable construction projects under the control of the Permittee. *(Required after permit coverage date, S6.D.4.b)*

*Comments:*

- 
20. YES ☐ NO ☐  
NA ☐ Coordinated with local jurisdictions on construction projects owned or operated by other entities that discharge into Permittee's MS4. *(Required after permit coverage date, S6.D.4.c)*

*Comments:*

- 
21. YES ☐ NO ☐  
NA ☐ Provided training for relevant staff in erosion and sediment control BMPs and requirements, or hired trained contractors to perform the work for all construction projects owned and operated by the Permittee. *(Required S6.D.4.d)*

*Comments:*

- 
22. YES ☐ NO ☐  
NA ☐ Provided access, as requested, for inspection of construction sites under the control of the Permittee during the active grading and/or construction period. *(Required after permit coverage date, S6.D.4.e)*

*Comments:*

---

**S6D.5 Post-Construction Stormwater Management for New Development and Redevelopment**

23. YES ☐ NO ☐ Complied with all relevant ordinances, rules, and regulations of the local jurisdiction(s) that govern post-construction stormwater pollution prevention measures, including proper operation and maintenance of the MS4. *(Required after permit coverage date, S6.D.5.a)*

*Comments:*

---

*Eastern Washington Phase II Municipal Stormwater Permit*

- 
24. YES ☐ NO ☐ Coordinated with local jurisdiction regarding projects owned and operated  
NA ☐ by other entities which discharge into the Permittee's MS4. (*Required*  
after permit coverage date, S6.D.5.b)

*Comments:*

---

**S6.D.6 Pollution Prevention and Good Housekeeping for Municipal Operations**

25. YES ☐ NO ☐ Developed and implemented an Operation and Maintenance program.  
(*Required by 3 years from permit coverage date, S6.D.6.a*)

*Comments:*

- 
26. YES ☐ NO ☐ Conducted spot checks of stormwater facilities after major storms.  
(*Required to begin by 3 years from permit coverage date, S6.D.6.a.i*)

*Comments:*

- 
27. YES ☐ NO ☐ Have NPDES permit coverage for *Stormwater Discharges Associated with*  
NA ☐ *Industrial Activities* for all applicable industrial facilities operated by the  
Permittee. (S6.D.6.b)

*Comments:*

- 
28. YES ☐ NO ☐ Provided adequate training for staff to carry out the Operations and  
Maintenance plan to minimize impacts to water quality.  
(*Required to begin by 3 years from permit coverage date, S6.D.6.d*)

*Comments:*

---

**S7. Compliance with Total Maximum Daily Load Requirements**

29. YES ☐ NO ☐ Is there an approved Total Maximum Daily Load (TMDL) applicable to  
stormwater discharges from a MS4 owned or operated by the Permittee?  
(S7)

*Comments:*

- 
30. YES ☐ NO ☐ Complied with the specific requirements identified in Appendix 2. (S7.A)  
NA ☐

*Comments:*

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*Eastern Washington Phase II Municipal Stormwater Permit*

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31. YES ☐ NO ☐ Attached status report of TMDL implementation. (S7.A)  
NA ☐

*Comments:*

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32. YES ☐ NO ☐ Where monitoring was required in Appendix 2, conducted  
NA ☐ the monitoring according to a Quality Assurance Project Plan. (S7.A)

*Comments:*

---

**General Conditions**

33. YES ☐ NO ☐ Notified Ecology of the failure to comply with the permit terms  
NA ☐ and conditions within 30 days of becoming aware of the non-compliance.  
(G20)

*Comments:*

---

34. YES ☐ NO ☐ Notified Ecology immediately in cases where the Permittee becomes  
NA ☐ aware of a discharge into or from the Permittee's MS4 which may  
constitute a threat to human health, welfare, or the environment. (G3 )

*Comments:*

---

35. YES ☐ NO ☐ Took appropriate action to correct or minimize discharges into or from the  
MS4 which could constitute a threat to human health, welfare, or the  
environment. (G3.A)

*Comments:*

---

**S4 Compliance with Standards**

36. YES ☐ NO ☐ If applicable, attached a summary of the status of implementation of any  
NA ☐ actions taken pursuant to S4.F, and the status of any monitoring,  
assessment, or evaluation efforts conducted during the reporting period.  
(S4.F.3.d)

*Comments:*

---

*Eastern Washington Phase II Municipal Stormwater Permit*

**A. Information Collection** (S8.A, S8.B & S9)

List below either the results of information collected and analyzed during the reporting period, including monitoring data (if any) and how to contact for additional information OR summarize the results of information collected and indicate how more complete information can be obtained.

**B. Evaluation of your SWMP** (S8.B & S9) Complete for the third and following annual reports.

You are required to assess the appropriateness of the BMPs you have selected to implement your SWMP. This evaluation is necessary to evaluate whether the MEP standard set by the permit is protective of water quality in your receiving water bodies. This assessment may be entirely qualitative. Select "NA" if you are not yet fully implementing the entire program of BMPs for a component of the SWMP.

- |   |  |
|---|--|
| 1. YES <input type="checkbox"/> NO <input type="checkbox"/> NA <input type="checkbox"/> | Are the BMPs selected and implemented for Public Outreach appropriate to minimize pollutants in the MS4 to the MEP?<br><i>Comments:</i>                              |
| 2. YES <input type="checkbox"/> NO <input type="checkbox"/> NA <input type="checkbox"/> | Are the BMPs selected and implemented for Public Involvement appropriate to minimize pollutants in the MS4 to the MEP?<br><i>Comments:</i>                           |
| 3. YES <input type="checkbox"/> NO <input type="checkbox"/> NA <input type="checkbox"/> | Are the BMPs selected and implemented for Illicit Discharge Detection and Elimination appropriate to minimize pollutants in the MS4 to the MEP?<br><i>Comments:</i>  |
| 4. YES <input type="checkbox"/> NO <input type="checkbox"/> NA <input type="checkbox"/> | Are the BMPs selected and implemented for Construction Stormwater Pollution Prevention appropriate to minimize pollutants in the MS4 to the MEP?<br><i>Comments:</i> |

*Eastern Washington Phase II Municipal Stormwater Permit*

5. YES <input type="checkbox"/> NO <input type="checkbox"/> NA <input type="checkbox"/>	Are the BMPs selected and implemented for Post-Construction Runoff Management appropriate to minimize pollutants in the MS4 to the MEP? <i>Comments:</i>
6. YES <input type="checkbox"/> NO <input type="checkbox"/> NA <input type="checkbox"/>	Are the BMPs selected and implemented for Good Housekeeping for Municipal Operations appropriate to minimize pollutants in the MS4 to the MEP? <i>Comments:</i>

**C. Changes in BMPs or objectives (S8.B)**

If any of the BMPs or objectives is being changed, list the old BMP and objective, the new BMP and objective, and a justification for the change below.	
1. Old BMP:	Old Objective:
2. New BMP:	New Objective:
Justification for change:	
1. Old BMP:	Old Objective:
2. New BMP:	New Objective:
Justification for change:	

## APPENDIX 5 – Notice of Intent (NOI) for Coverage under a National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater General Permit



### Introduction

This form must be used by all entities seeking coverage under one or more of the following municipal separate storm sewer permits:

- **Phase I Permit** – “National Pollutant Discharge Elimination System and State Waste Discharge General Permit for Discharges from Large and Medium Municipal Separate Storm Sewer Systems”
- **Phase II Permit for Western Washington** – “National Pollutant Discharge Elimination System and State Waste Discharge General Permit for Discharges from Small Municipal Separate Storm Sewers in Western Washington”
- **Phase II Permit for Eastern Washington** – “National Pollutant Discharge Elimination System and State Waste Discharge General Permit for Discharges from Small Municipal Separate Storm Sewers in Eastern Washington”

The Department of Ecology (Ecology) will use the information provided to determine if coverage under one or more of the above municipal stormwater general permits is required and/or appropriate. Please answer all questions accurately and completely. If a question does not apply, answer NA to that question. See instructions at the back of the form for more information.

Operators of municipal separate storm sewer systems (MS4s) seeking permit coverage must complete this application and return it to Ecology. You may print this form and complete it by hand, or download the form from Ecology’s Web site and fill it out electronically. The form is available at: <http://www.ecy.wa.gov/biblio/ecy070207.html>.

An authorized signature is needed to complete the application. Please reference supporting documents in the text and attach as necessary.

Mail completed NOI to:

**Department of Ecology  
Water Quality Program  
Municipal Stormwater Permits  
P.O. Box 47696  
Olympia, WA 98504-7696**

Ecology will send each applicant an acknowledgment of receipt. If you have questions about this application, please contact the appropriate Ecology employee listed in the instructions at the end of this form, or call Ecology’s Water Quality Program at 360-407-6600.

Ecology is an equal opportunity agency.



**Part 1 - Owner/Operator Information**

A. Applicant Information			B. Responsible Official or Representative		
Name of city, county, or special district:			Name		
			Title		
			Phone		
			Email		
Mailing Address			Mailing Address		
PO Box (Optional)			PO Box (Optional)		
City	State	Zip	City	State	Zip

C. Billing Address, if different			D. Contact Person		
Name			Name		
Mailing Address			Title		
PO Box (Optional)			Phone No. Business      Ext.		
City	State	Zip	Email		
			Fax No. (Optional)		
<b>E. Ownership Status</b> (check appropriate box)					
<input type="checkbox"/> City or Town <input type="checkbox"/> County <input type="checkbox"/> Federal <input type="checkbox"/> Tribal					
Special Purpose District:(secondary permittee) <input type="checkbox"/> Diking/drainage district <input type="checkbox"/> Port <input type="checkbox"/> Flood control district <input type="checkbox"/> University <input type="checkbox"/> Public school district <input type="checkbox"/> Park district <input type="checkbox"/> State agency (give name) _____ <input type="checkbox"/> Other (please describe) _____					

**Part 2 – Geographic Area Where We apply for MS4s are located (see instructions)**

- ☐ Phase I Municipal Stormwater Permit
- ☐ Phase II Municipal Stormwater Permit for Western Washington
- ☐ Phase II Municipal Stormwater Permit for Eastern Washington

If you operate municipal separate storm sewer systems which are located in areas covered by more than one permit please list the locations of all of the municipal separate storm sewer systems for which you are requesting permit coverage.

---

**Part 3 – Population served by the MS4**

Estimated population (resident and commuter) served by the MS4 within the geographic area(s) covered by the permits: \_\_\_\_\_

**Part 4 – Map(s)**

A. Is part of the MS4 located on tribal lands (within a reservation or on land held in trust for a tribe)? For the Puyallup reservation only, check “yes” if MS4 is located on trust lands and “no” if any part of the MS4 is located on fee lands. ☐ Yes ☐ No

B. For special purpose districts only, attach a map or maps delineating the geographic area served by the MS4. ☐ Attach map(s) to this form  
☐ Not applicable

**Part 5 – Co-Permittee information**

Complete this part of the NOI only if you are co-applying with another entity to meet the requirements of the permit. Permittees that co-apply are responsible for meeting permit conditions related to their discharge(s).

If you are co-applying with another entity or entities please include, as an **attachment to this NOI, a summary of the permit obligations** that will be carried out jointly among co-applicants. The summary must identify the other co-applicant(s) and must be signed by the other co-applicant(s).

- ☐ Attach a summary of joint permit obligations
- ☐ Summary is signed by all co-applicants
- ☐ Not Applicable

**Part 6 - Relying on another entity to satisfy permit requirement(s)**

Complete this part of the NOI only if you are relying on another entity to satisfy one or more of the requirements of the permit. Permittees that rely on another entity to satisfy one or more of their permit obligations remain responsible for permit compliance if the other entity fails to implement the permit conditions. Permittees may rely on another entity provided:

1. The other entity agrees to take on responsibility for implementation of the permit requirement(s),  
AND
2. The other entity implements the permit requirements.

If you are relying on another entity or entities to satisfy one or more of the permit obligations, please include as an **attachment to this NOI a summary of the permit obligations** that will be carried out by another entity. The summary must identify the other entity or entities and must be signed by the other entity or entities.

- ☐ Attach summary of permit obligations carried out by another entity

- ☐ Summary is signed by all other entities  
☐ Not Applicable

**Part 7 – Public Notice**

A public notice must be published at least *once each week for two consecutive weeks* in a *single* newspaper of general circulation in the county or city in which the district or entity is located. See the NOI instructions for the public notice language requirements. Permit coverage will not be granted sooner than *31 days* after the date of the second public notice.

Submit the NOI and public notice to Ecology before the date of the first public notice. A copy of the NOI and public notice may be faxed to (360) 407-6426.

Name of the newspaper that will publish the public notices: \_\_\_\_\_

Provide the **exact** dates (mm/dd/yy) that the first and second public notices will appear in the newspaper:

Date of the first notice \_\_\_\_/\_\_\_\_/\_\_\_\_

Date of second notice \_\_\_\_/\_\_\_\_/\_\_\_\_

**Part 8 - Certification**

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. The information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

\_\_\_\_\_  
**Print or type name** of responsible official or representative **Title**

\_\_\_\_\_  
**Signature** of responsible official or representative **Date**

## INSTRUCTIONS

These instructions will help you prepare an application, referred to as a Notice of Intent (NOI), for coverage under a National Pollutant Discharge Elimination System (NPDES) General Permit and State Waste Discharge Permit for stormwater discharges associated with municipal separate storm sewer systems in Washington State.

### Questions?

If you have questions, please contact the Ecology employee who manages the permit in the county or counties in which your facility or district is located:

- Island, Skagit, and Whatcom Counties:  
contact Steve Hood at 360-738-6254
- King, Kitsap, and Snohomish Counties:  
contact Anne Dettelbach at 425-649-7093
- Clark, Cowlitz, Clallam, Grays Harbor, Lewis, Pierce, and Thurston Counties:  
contact Alison Chamberlin at 360-407-0245
- Benton, Chelan, Kittitas, Douglas, and Yakima Counties:  
contact Terry Wittmeier at 509-574-3991
- Asotin, Franklin, Grant, Spokane, Walla Walla, and Whitman Counties:  
contact Dave Duncan at 509-329-3554

Or, call Ecology's Water Quality Program office at 360-407-6600, and the receptionist will direct you to another staff member who can assist you.

### Who must apply?

Federal and state law requires all operators of regulated municipal separate storm sewer systems (MS4s) to apply for and obtain coverage under this permit, or to be permitted under a separate individual permit, unless exempted in accordance with conditions described below.

### What is an MS4?

A municipal separate storm sewer system (MS4) is a conveyance or system of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels and/or storm drains which is:

- a. Owned or operated by a city, town, county, district, association, or other public body created pursuant to state law having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer districts, flood control districts or drainage districts, or similar entity.
- b. Designed or used for collecting or conveying stormwater.
- c. Not a combined sewer system.
- d. Not part of a publicly owned treatment works (POTW) (see 40 CFR 122.2).

MS4s also include systems similar to separate storm sewer systems in municipalities such as: universities, prison complexes, highways and other thoroughfares, and flood control districts.

Storm sewers in very discrete areas such as individual buildings do not require coverage under this permit. Storm drain systems operated by non-governmental, private entities such as: individual buildings; private schools, colleges, and universities; and industrial and commercial entities **are not** subject to these permits.

#### **Who needs a permit?**

1. A regulated MS4 is a municipal separate storm sewer system that:
  - Is located within, or partially within, the unincorporated areas of Clark, King, Pierce or Snohomish counties; or
  - Is located within, or partially within, the cities of Seattle or Tacoma; or
  - Is located within the other areas defined in the permits. See list of cities and counties in Part 2 of the line-by-line instructions or Ecology's maps of permit coverage [www.ecy.wa.gov/programs/wq/stormwater/phase\\_2/maps.html](http://www.ecy.wa.gov/programs/wq/stormwater/phase_2/maps.html) for more information on these locations; or
  - Is designated by Ecology

AND

  - Discharges stormwater from the MS4 to a surface water of Washington State; and
  - Is not eligible for an exemption.
2. All operators of municipal separate storm sewers which meet the criteria listed above must obtain coverage under this permit. Operators of municipal separate storm sewer systems may also include, but are not limited to: public flood control districts, public diking, and drainage districts, public schools including universities, and correctional facilities that own or operate an MS4 serving non-agricultural land uses.
3. If Ecology determines the MS4 is a significant source of pollution to surface waters of the state, Ecology may require any other operators of small municipal separate storm sewer systems to obtain permit coverage. Ecology will notify the affected MS4 that permit coverage is required by issuing an administrative order (see RCW 90.48).

#### **Who does not need to apply?**

State and federal laws do not require a regulated MS4 to obtain permit coverage, if either of the following conditions applies:

The portions of the small MS4 located within the census defined urban area(s) serve a total population of less than 1000 people\*\* and **all** the conditions below apply:

- The small MS4 is not contributing substantially to the pollutant loadings of a physically interconnected MS4 that is regulated by the NPDES stormwater program.
  - The discharge of pollutants from the small MS4 has not been identified as a cause of impairment of any water body to which the MS4 discharges.
-

- In areas where an EPA approved Total Maximum Daily Load (TMDL), or water quality improvement plan for impaired waters, has been completed, stormwater controls on the MS4 have not been identified as being necessary.

*\*\*In determining the total population served, include both resident and commuter populations as follows:*

- *For publicly operated school complexes including universities and colleges, the total population served includes the sum of the average annual student enrollment plus staff.*
- *For flood control, diking, and drainage districts, the total population served includes residential population and any non-residents regularly employed in the areas served by the small MS4.*

MS4s operated by:

- The federal government on military bases or other federal lands; or by the United States Military, the Bureau of Land Management, the United States Park Service, or other federal agencies; or
- Federally recognized tribes located within tribal lands

Are not covered under this permit but may need coverage under a permit issued by the USEPA.

#### **When to apply**

Submit the NOI to the Department of Ecology on or before the date of the first public notice required in part 5 of this NOI. Ecology must have the permit application during the public comment period in order to provide the public access to the applications as required by state law (WAC 173-226-130(5)). Ecology cannot grant permit coverage until 31 days after the date of the second public notice.

Upon receipt of a complete NOI, Ecology will notify the applicant by mail of confirmation of coverage under the permit. An NOI is deemed complete only after the 30-day public comment period and all other requested information has been supplied. Permit coverage will begin on the date specified in Ecology's letter of confirmation.

#### **Where to apply**

Mail the signed NOI to: Washington Department of Ecology  
Water Quality Program  
Municipal Stormwater Permits  
P.O. Box 47696  
Olympia, WA 98504-7696

#### **Fees**

There is no application fee. Ecology will bill the applicant(s) for permit fees after permit coverage is issued. Call Bev Poston at 360-407-6425 or email [bpos461@ecy.wa.gov](mailto:bpos461@ecy.wa.gov) for questions relating to fees.

*If you need this publication in an alternate format, please call the Water Quality Program at 360-407-6401. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.*

## Line-by-line Instructions

### Part 1 – Owner/Operator information

- A. Applicant information - Fill out the name and mailing address of the city, county, or public entity that will receive coverage under the permit.
- B. Responsible Official or Representative – Fill out the name, address and contact information for the principal executive officer or ranking elected official responsible for signing the application and all reports. See Part 8 for more information.
- C. Billing information - If a separate department or office handles billing, enter the appropriate contact information. There is an annual permit fee associated with this permit.
- D. Contact person - Enter the name, title, phone number, and email for the person who will be in charge of developing the stormwater management program and meeting the stormwater permit requirements.
- E. Ownership status - Check the appropriate box indicating the ownership status (e.g., city, county, or special district type).

### Part 2 – Permit(s) under which the applicant is requesting coverage

Check the box that corresponds to the permit(s) under which you are applying for coverage. The geographic locations covered by each permit break down as follows:

- **Phase I** – regulates entities within, or partially within the unincorporated areas of Clark, King, Pierce, or Snohomish counties; or the cities of Seattle or Tacoma.
- **Phase II Western Washington** – regulates entities in the census-defined urban areas of western Washington and some cities with populations over 10,000.
- **Phase II Eastern Washington** – regulates entities in the census-defined urban areas of eastern Washington and some cities with populations over 10,000.

Note: Applicants may submit a single NOI to request coverage of all of the regulated MS4s which they operate. For example, a single NOI may be submitted to cover the main campus and any satellite campuses of a university which may require permit coverage. Applicants requesting coverage for multiple sites/locations must list the locations for each site/location for which coverage is being requested. When more than one permit is checked, Ecology will assign the permit that will provide coverage.

### Part 3 – Population served by the MS4

Provide an estimate of the population served by the MS4 within the geographic area(s) covered by the permits. The estimate must include both resident and commuter populations. For example, a university may have a resident population of students who live on campus and a commuter population of students and employees who commute to campus.

### Part 4 – Map requirements

- A. Is part of the MS4 located on tribal lands (within a reservation or on land held in trust for a tribe)? For the Puyallup reservation only, check “yes” if MS4 is located on trust lands and “no” if any part of the MS4 is located on fee lands. The portion of the MS4 that is located on tribal lands will not be covered under these permits.

- B. For special purpose districts only, attach a map or maps delineating the geographic area served by the MS4.

**Part 5 – Co-Permittee information**

Complete this part of the NOI only if you are co-applying with another entity to meet the requirements of this permit. Permittees that co-apply are responsible for meeting permit conditions related to their discharge(s).

If you are co-applying with another entity or entities, please include as an attachment to this NOI a summary of the permit obligations that will be carried out jointly among co-applicants. The summary must identify the other co-applicant/s and must be signed by the other co-applicant/s.

**Part 6 - Relying on another entity to satisfy permit requirement(s)**

Complete this part of the NOI only if you are relying on another entity to satisfy one or more of the requirements of the permit. Permittees may rely on another entity provided the entity satisfies all of the requirements it agrees to undertake (see 40 CFR 122.35(a)).

That other entity **must agree** to take responsibility and **implement** the permit requirement(s).

Permittees that rely on another entity to satisfy one or more of their permit obligations remain responsible for permit compliance with those obligations if the other entity fails to implement the permit conditions.

If you are relying on another entity or entities to satisfy one or more of the permit obligations, please include as an attachment to this NOI a summary of the permit obligations that will be carried out by another entity. The summary must identify the other entity or entities and must be signed by the other entity or entities.

**Part 7 – Public notice**

You must publish a public notice in a newspaper of general circulation in the county or city in which the district or entity is located. The following sample public notice contains the required public notice elements.

***Sample Public Notice***

*(Name and address of municipality, district or other public entity)* is seeking coverage under (select one of the following):

- **Phase I Permit** – “National Pollutant Discharge Elimination System and State Waste Discharge General Permit for Discharges from Large and Medium Municipal Separate Storm Sewer Systems”
- **Phase II Permit for Western Washington** – “National Pollutant Discharge Elimination System and State Waste Discharge General Permit for Discharges from Small Municipal Separate Storm Sewers in western Washington”
- **Phase II Permit for Eastern Washington** – “National Pollutant Discharge Elimination System and State Waste Discharge General Permit for Discharges from Small Municipal Separate Storm Sewers in eastern Washington”

The proposed permit will regulate stormwater discharges from the municipal separate storm sewer system located in *(city, town or county)*. The permit requires *(Name of municipality, district or other public entity)* to develop and implement a stormwater management program that:

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1. Reduces the discharge of pollutants to the maximum extent practicable.
2. Protects water quality.
3. Satisfies appropriate requirements of the Clean Water Act.

Any person desiring to present views to the Department of Ecology concerning this application may notify Ecology in writing within 30 days from the last date of publication of this notice.

Submit comments to:

Washington Department of Ecology  
Water Quality Program  
Municipal Stormwater Permits  
P.O. Box 47696  
Olympia, WA 98504-7696

Fax: 360-407-6426

**Part 8 - Certification**

An authorized person, such as a principal executive officer or ranking elected official, must sign the certification statement.

OR

A duly authorized representative of the executive officer (or ranking elected official) may sign the certification as long as:

1. The signator receives written authorization from the executive officer or ranking elected official. This document must be submitted to Ecology.
2. The authorization specifies an individual or position that has responsibility for the overall development and implementation of the stormwater management program.

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